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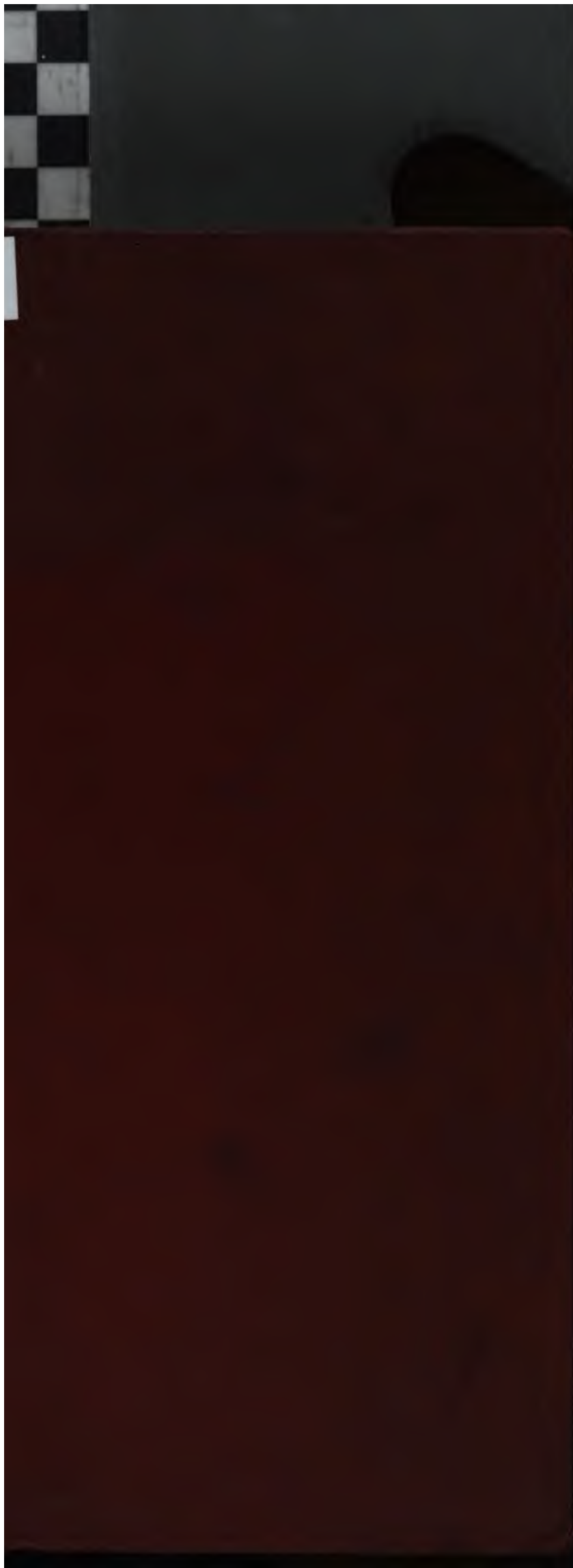
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The Presbyterian's Armoury.

AN  
APOLOGETICAL RELATION

OF THE  
PARTICULAR SUFFERINGS

OF THE  
THE FAITHFUL MINISTERS AND PROFESSORS

OF  
THE CHURCH OF SCOTLAND,

SINCE AUGUST 1690.

BY THE REV. JOHN BROWN,  
MINISTER AT WAMPHRAY,  
1690.



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"Fain Religion and Idolatry, & all whatsoever is done in God's Service  
or Honour, without the expresse Commandment of his own  
Word."—John Knox.

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AN  
**APOLOGETICAL RELATION**  
 OF THE  
**PARTICULAR SUFFERINGS**  
 OF  
**THE FAITHFUL MINISTERS AND PROFESSORS**  
 OF  
**THE CHURCH OF SCOTLAND,**  
 SINCE AUGUST 1660:

WHEREIN  
 SEVERAL QUESTIONS, USEFUL FOR THE TIME, ARE DISCUSSED;  
 THE KING'S PREROGATIVE OVER PARLIAMENTS AND PEOPLE SOBERLY INQUIRED INTO;  
 THE LAWFULNESS OF DEFENSIVE WAR CLEARED;  
 THE SUPREME MAGISTRATE'S POWER IN CHURCH MATTERS EXAMINED; MR. STILLINGFLEET'S NOTION  
 CONCERNING THE DIVINE RIGHT OR FORMS OF CHURCH GOVERNMENT CONSIDERED;  
 THE AUTHOR OF "THE SEASONABLE CASE" ANSWERED;  
 OTHER PARTICULARS, SUCH AS THE HEARING OF THE CURATES,  
 APPEARING BEFORE THE HIGH COMMISSION COURT, ETC.,  
 CANVASSED.

TOGETHER WITH  
**THE RISE, REIGN AND RUIN OF THE FORMER PRELATES IN SCOTLAND:**

BEING  
 A BRIEF ACCOUNT, FROM HISTORY, OF THE  
 GOVERNMENT OF THE CHURCH OF SCOTLAND FROM THE BEGINNING, AND OF THE  
 MANY TROUBLES WHICH PRELATES HAVE CREATED TO HER,  
 FIRST AND LAST.

FOR SATISFACTION OF STRANGERS, AND ENCOURAGEMENT OF PRESENT SUFFERERS.

BY THE REV. JOHN BROWN,  
 MINISTER AT WAMPREAY,  
 1660.

" Their Redeemer is strong : The Lord of hosts is his name : he shall thoroughly plead their cause, that he may give rest to the land, and  
 disquiet the inhabitants of Babylon." Jsa. l. 34.  
 " I will bear the indignation of the Lord, because I have sinned against him, until he plead my cause, and execute judgment for me :  
 he will bring me forth to the light, and I shall behold his righteousness. Then she that is mine enemy shall see it, and shame shall  
 cover her which said unto me, Where is the Lord thy God ? mine eyes shall behold her : now shall she be trodden down as the  
 mire of the streets." Mic. vii. 9, 10.  
 " Thus saith thy Lord the Lord, and thy God that pleadeth the cause of his people, Behold, I have taken out of thine hand the cup of  
 trembling, even the dregs of the cup of my fury ; thou shalt no more drink it again : but I will put it into the hand of them that  
 afflict thee ; which have said to thy soul, Bow down, that we may go over : and thou hast laid thy body as the ground, and as the  
 street, to them that went over." Isa. li. 25, 26.

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1845.

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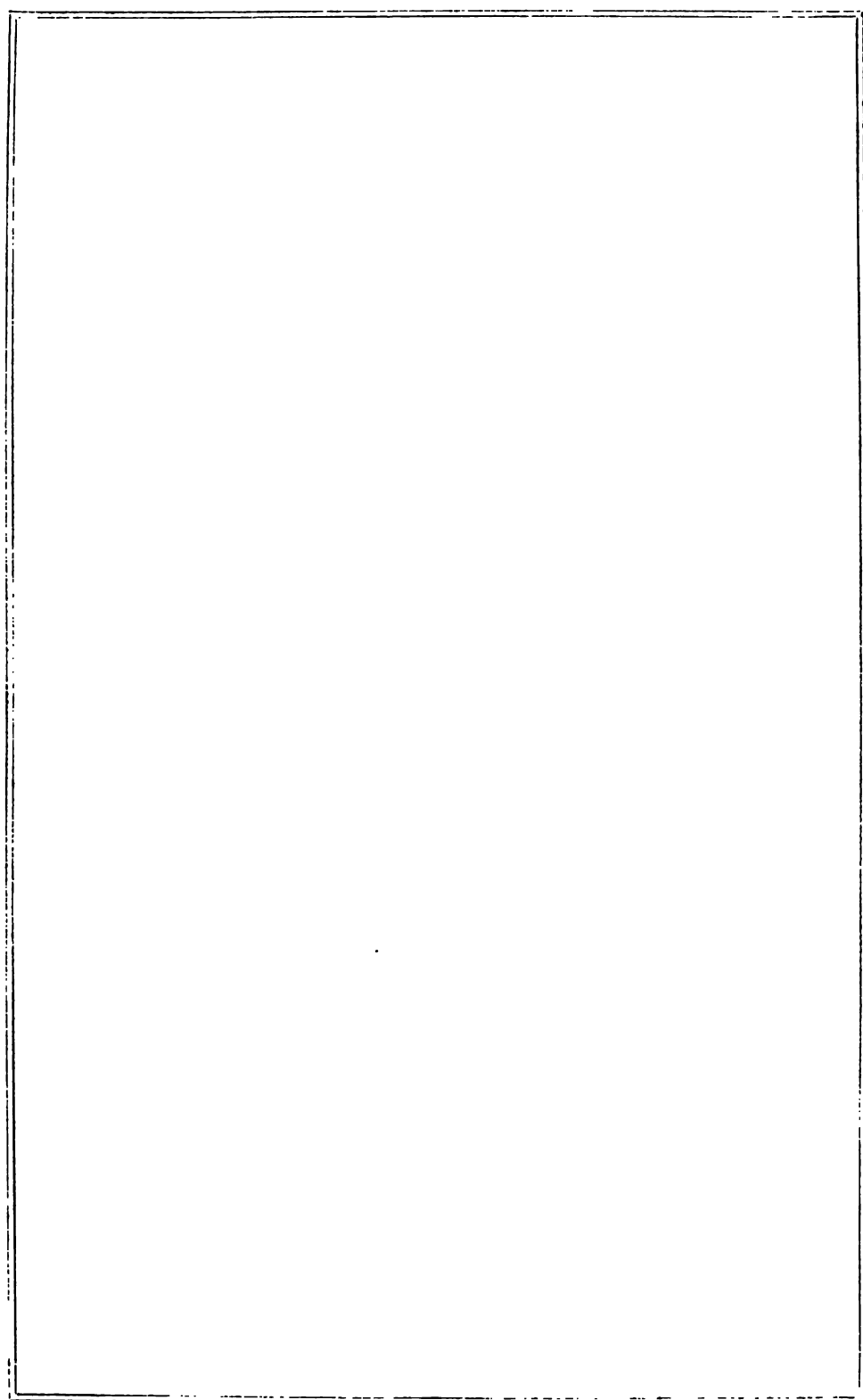
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## MEMOIR OF THE AUTHOR.

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THE earliest information we have of Mr BROWN, occurs in one of the celebrated Samuel Rutherford's letters, dated at Aberdeen, March 13, 1637. It is addressed to his mother, Jean Brown, a woman of great intelligence and piety, usually termed by Mr Rutherford, "his sister." In this letter, Mr R. thus speaks of Mr Brown : " I rejoice to hear your son John is coming to visit Christ, and to taste of his love ; I hope he shall not lose his pains, or rue of that choice. I had always (as I said often to you) a great love to dear Mr John Brown, because I thought I saw Christ in him more than in his brethren. Fain would I write to him to stand by my sweet Master ; and I wish ye would let him read my letter, and the joy I have, if he will appear for, and side with, my Lord Jesus." In another letter, to another of his correspondents, about the same period, he expresses himself in the following terms : " Remember me to Mr John Brown : I could never get my love off that man : I think Christ hath something to do with him." From these notices, and others of the same kind, we may infer that Mr Brown was then a young man, whose talents and piety gave promise of great things to the church, but who had not, as yet, taken any public and decided part in its concerns.

At what particular period he was appointed to the pastoral charge of the parish of Wamphray, in Annandale, we cannot exactly ascertain. It is not unlikely that he was settled soon after the date of the above letter. Whether he was a member of the celebrated Assembly, which met at Glasgow in 1638, and which abolished Episcopacy, with all its appendages, is uncertain. His name does not appear in any of the lists of the members present on the occasion ; nor does he appear to have taken any public or ostensible part in the proceedings of the period between 1638 and 1660. Indeed, he must have been, during the greater part of this time, a young man ; and, with a modesty becoming his years, would, no doubt, give place to such senior brethren, as Henderson and Rutherford, and Baillie and Dickson, and

others, whose talents and experience qualified them for taking the lead in all matters of ecclesiastical procedure.

While we are uncertain with regard to the precise date of Mr Brown's settlement at Wamphray, we have the best of evidence in favour of the fidelity, the talent and the success with which he exercised, for many years, his pastoral functions among the people of his charge. To them he was tenderly attached, and the feeling was mutual. In their spiritual welfare he took a deep and commanding interest; and he was ready, like his great prototype, Paul, "to spend, and to be spent, for them." While they had the principal share of his anxieties and cares, and while he studied to act in strict conformity to his ordination vows, his exertions, at the same time, were not confined rigidly and exclusively to the people of Wamphray. From the scarcity of active and zealous ministers at that period, he found it necessary to enlarge the sphere of his ministerial exertions; and the inhabitants of the district in which his charge lay were admitted to share in the benefits of his public labours. In that district his name still lives in traditional remembrance; and it is associated with all those feelings of endeared affection, which the deeds and the sufferings of the fathers and confessors of the reformation in Scotland seldom fail to excite and to cherish.

At the period of the restoration of King Charles II., in 1660, Mr Brown and others, who opposed that measure, at least in its *unqualified* form, were speedily involved in trouble and distress. He was one of those three hundred pious and excellent ministers in Scotland, who, with nearly two thousand of the same class in England, were compelled to leave their people, and all their temporal comforts and hopes, because their consciences would not allow them to pledge an unconditional conformity to the corrupt system which had been established in both church and state. In May 1662, the parliament commenced a prosecution against Mr Brown, and eighteen other ministers, who had been most distinguished for opposition to prelatical and arbitrary power. After being harassed in various ways, Mr Brown was at length, in November of the same year, called before the council at Edinburgh, and condemned "to be imprisoned in the Tolbooth till further orders," on account of his having faithfully and strongly reprov'd some of his less consistent brethren for complying with the existing order of things, contrary to their avowed principles and express promises. He remained in prison till December 11, when, after Mr John Livingston, of Shotts, and others had received their sentence, the council came to this conclusion regarding him: "Upon a petition presented by Mr John Brown, showing that he had been kept close prisoner these five weeks by-past, and seeing that, by want of free air and other necessaries, for maintaining his crazy body, he is in hazard to lose his life; therefore humbly desiring warrant

to be put at liberty upon caution to enter his person when he should be commanded, as the petition bears; which being at length heard and considered, the lords of council ordain the suppliant to be put at liberty forthwith of the Tolbooth, he first obliging himself to remove and depart off the king's dominions, and not to return without license from his Majesty and council, under pain of death." The treatment he received in prison must have been severe, when it compelled him to comply with a decree by the tenor of which he was brought to the hard alternative of either perishing in a dungeon, or of being separated for ever from his friends and flock, and of seeking an asylum in a land of strangers.—"I need not observe (says Mr Wodrow) this unusual severity to this good man. The utmost he could be charged with was a reproof given to his (once) brethren for their apostacy; and for this he is cast in prison; and when there, deprived of the very necessities of life; and when, through ill treatment, he is brought near death, and offers bail to re-enter when commanded, cannot be permitted to have the benefit of the free air till he signs a voluntary banishment for no cause."<sup>1</sup>

He was allowed two months, from the 11th December, to prepare for leaving the country; and at length, early in the year 1663, he went over to Holland, then the hospitable asylum of the banished covenanters of Scotland, where he lived many years, but never returned to his native country. He resided partly at Utrecht, and partly at Rotterdam; and in both places was usefully employed in preaching to the refugees, and to others who resorted to him for instruction and advice.—It was during his exile, also, that most of his voluminous and valuable works were written; and no person can peruse these without acknowledging that, had no other engagements occupied his time, the labour of their composition would suffice to prove incontestably, that he was not disposed "to hide his talents in a napkin," nor to lull himself in indolent repose.

It appears that the lapse of years did not effect any change in the feelings of the government of Scotland towards this excellent man; for we find that, so late as the year 1676, the king, by the instigation of archbishop Sharp, so infamous for his duplicity and fraud, wrote to the states-general of Holland, to remove Mr Brown and the other exiled ministers from their provinces. This the States, much to their credit, refused to do; and the illustrious exiles were permitted to enjoy, under their friendly protection, that peace and that encouragement which were denied them by their native land.<sup>2</sup>

During his residence in Holland, Mr Brown was in the habit of addressing let-

<sup>1</sup> Wodrow's History, vol. i., p. 142.

<sup>2</sup> See Copy of the Reply of the Estates, in Wodrow, vol. i., p. 434, 435.

ters of consolation and encouragement to his friends at home, and particularly to his former parishioners. Of these letters several are still extant; and they give a most pleasing view of the affectionate spirit, the unquenchable zeal, and high-toned piety of their author.

A few years before his death, Mr Brown was appointed to be minister of the Scotch church in Rotterdam. In this important charge he exercised the same diligence and pastoral fidelity, as in those departments of the vineyard which had been formerly intrusted to his care. His discourses, if we may judge from the published specimens, were sound, judicious, and evangelical; and, what deserves to be particularly noticed, they are characterised by a due mixture of doctrine and practice. He was not a dry, and merely systematic preacher. He enters deep into the discrimination of character; and makes all his instructions bear on the great interests of vital godliness.

The ordination of the famous Mr Richard Cameron seems to have been the last of his public employments. On this occasion he was aided by his friend and companion in tribulation, Mr Robert M'Ward, who was settled in the Outer High Church of Glasgow, 1656,<sup>1</sup> and banished in 1661. The discourse which Mr Brown delivered on Jer. ii. 35,—“Behold I will plead with thee, because thou sayest, I have not sinned,” &c., contained his last and dying attestation to the doctrines he had preached, and the testimony which he held. He died soon after, in the close of the year 1679, carrying along with him the affectionate regrets of thousands in Scotland, and in Holland, who revered his character, and who had profited by his labours.

In estimating his character, we shall avail ourselves of the testimony of two most impartial witnesses. The first is that of a distinguished Dutch divine, Dr Melchior Leydecker, divinity professor at Utrecht, who thus expresses himself: “Glory be to God in the highest, who hath reserved by his grace many protestant and learned divines against prevalent errors. And hence we have the learned labours of the worthy J. Burgess, J. Owen, A. Pitcairn, and other eminent divines, worthy to be remembered in all ages. And to those great doctors, we may very warrantably add Mr JOHN BROWN, whose praise lives deservedly in the churches, and whose light did for a considerable space shine here in our Low Countries, when, through the iniquity of the times, he was, because of his zeal, piety, faithfulness, and good conscience, obliged to leave his native land. Yet was not he idle; for while he was here, he wrote with a great deal of wisdom against the philosophers of this time, who would subject the Scriptures to philosophy, setting

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<sup>1</sup> Cleland's *Annals of Glasgow*, p. 129.

up human reason for a rule of Scripture interpretations. Moreover he was known in our churches by his books on the perpetual morality of the Sabbath, written with a great efficacy of arguments, and approved by Frederick Spanheim, that worthy and most famous divine, besides what other treatises he wrote in English."<sup>1</sup>

The other testimony is that of the candid and impartial Mr Robert Wodrow, who possessed the best opportunities of knowing his character. "I need not (says he) enter on the character of this great man. His abilities were so well known to the prelates that he must not be suffered any longer. He was a man of very great learning, warm zeal, and remarkable piety. The first he discovers in works printed in Latin, both against Socinians and Cocceians, which the learned world know better than to need any account of them from me. I have seen likewise a large Latin MS. history of his of the Church of Scotland; wherein he gives an account of the acts of the Assemblies, and the state of matters from the reformation to the restoration; to which is subjoined a very large vindication of the grounds whereupon Presbyterians suffered. The letters he wrote home to Scotland, and the pamphlets and books he wrote, especially upon the indulgence, manifest his fervency and zeal; and the practical pieces he wrote and printed, discover his solid piety, and acquaintance with the power of godliness. Such a man could not easily now escape."<sup>2</sup>

The following is a complete list of Mr Brown's works, whether published by himself or by his executors, from his MSS. after his death. The dates of the different editions are also noticed:—*Apologetical Relation of the Particular Sufferings of the Faithful Ministers and Professors of the Church of Scotland, since August 1660; with a Brief History of the Church from the Earliest Periods, &c.*, 18mo, pp. 424. 1665.—*Christ the Way, the Truth, and the Life*, 12mo, pp. 330. 1677.<sup>3</sup>—*Libri Duo, Contra Woltzogenium et Velthusium*, 12mo. Amsterdam, 1670.—*De Causa Dei adversus Anti-Sabbatarios*, 2 vols. 4to, pp. 757, and 1012. Rotterdam, 1674-6.—*Quakerism the Pathway to Paganism*, 4to, pp. 563. Edinburgh, 1678.—*The Life of Faith in Times of Trial*, 18mo, p. 396. 1679.—*The Swan-Song, or second part of The Life of Faith in Times of Trial*, 18mo, pp. 474. 1680.—*The Life of Justification Opened*, 4to, p. 563. 1695.—*Christ in Believers the Hope of Glory*, 18mo, p. 162. Edinburgh, 1703; Glasgow, 1736.—*Treatise on Prayer*, 12mo, pp. 306. 1720; 1745 *An Explanation of the Epistle to the Romans*, 4to, pp. 600. Edinburgh, 1769.—*Enoch's Testimony Opened*, 12mo,

<sup>1</sup> Preface to Mr Brown's work on Justification, p. 6, 7.

<sup>2</sup> History, vol. i., p. 141.

<sup>3</sup> New edition. Edinburgh. 1840. R. Ogle.



pp. 233. Edinburgh, 1771.—*The Mirror, or a Treatise on the Law and Gospel*, 12mo, p. 230. Glasgow, 1792.

A considerable number of his practical works were translated into Dutch by the hand of his much-esteemed friend, MR JAMES KOOLMAN, minister of the gospel at Sluis, in Flanders; and, through the medium of these translations, they were advantageously known to the inhabitants of Holland. His large MS. History of the Church still remains in the College Library at Edinburgh; and there are supposed to be still other MSS. of Mr Brown's in this country; but we cannot ascertain into whose hands they have come. If the publishers of this work could obtain any information relating to them, means might be found to bring them before the public.

Mr Brown's style is nervous, clear, and wonderfully correct considering the times, and the disadvantages under which he laboured. In these respects he is decidedly superior to most of the Scottish writers of his day, and even to Owen, and others of the English authors, his contemporaries. He has, no doubt, the common fault of that period, in being rather prolix at times, and in multiplying subdivisions. One prominent feature in all his writings, particularly his practical works, is, his wonderful command of Scripture quotation, reference, and allusion. In all his works there are observable the traces of a vigorous mind, a sound judgment, and a correct theological taste. Seldom commonplace, frequently original, and always interesting, he cannot fail to instruct and to edify the reader who knows how to value the essential excellencies of moral truth, unadorned by the tinsel of meretricious ornament.

AN

## EPISTLE

TO

### THE CHRISTIAN READER.

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CHRISTIAN READER,—This is a time wherein little or nothing is heard from the churches of Christ all the world over but lamentation and woe; partly by reason of grievous afflictions and sore persecution (which is none of the worst conditions), and partly by reason of woeful and shameful defection, and falling from former zeal and integrity, occasioned either by the temptations which usually attend sharp trials of affliction (whereby the weakness of many, and perverseness of heart in more, is discovered), or, without any such force of external temptation, from an inward decay of life and love, and wearying of God and his ways (the worst condition that a church can be in), which is now the epidemical plague of this age. Hence it is that the Lord seemeth to be angry with all, and ready to reject some of his churches, which to him are as a generation of his wrath. Have not his people set up their abominations in the house which is called by his name, to pollute it? And may it not be feared that the curse shall devour the earth, and they that dwell therein shall be made desolate, because they have transgressed the laws, changed the ordinances, and broken the everlasting covenant? There appeareth now hanging over the head of the poor little flock of Christ a black and dreadful cloud, threatening no less than utter ruin and overthrow, or at least speaking a loud alarm for awaking the secure and sleeping bride. It is most sad to behold how little the churches of Christ, in every place, are affected with this imminent stroke, ready to light on all: and to see some of them quiet and at rest, singing a requiem to themselves, as if (though dispensations from the Lord do speak the contrary to all who will but open their eyes) their mountain stood so strong as never to be moved. This deadness and deep security, when all things speak an approaching storm (as it doth evidence a great judg-

ment and spiritual plague from God upon the spirits of people, so it) doth presage no less than remediless ruin, if God, in the riches of his mercy, prevent it not. What a dreadful night of confusion and astonishment must be at hand, when there is such blackness without, and such deadness and prodigious security within? Are not the enemies of the church, as Gebal, Ammon, Amalek, the Philistines, and those of Tyre, Ashur, and the children of Lot (who are early and late at their master's work), devising and plotting the ruin and destruction of the interest and kingdom of Christ? Are they not all combined together, and actuated with the same spirit of Antichrist, for this very end and purpose, to help forward, as with one shoulder, and to raise up his fallen interest, and heal his wound? And are they not setting themselves to thrust King Jesus from his throne, to put the crown from his head, and the sceptre out of his hand, and so to prey upon, and devour his little flock, that, if it were possible, they should be no more a nation, nor their name remembered any more? And are they not about the swallowing up of the protestant interest, as in a moment? And what is the church of Christ doing all this while? Doth she stir up herself to call upon her Head and Husband, or to awake the Watchman of Israel, who neither slumbereth nor sleepeth? Is she upon her watch-tower, looking out and guarding against the approaching enemy, or observing his motions? Ah, not so! She is fast asleep, while the enemy is within the walls. And, which is more sad and lamentable, with her own hands she hath helped to make the breach in the wall, at which the enemy hath entered, and now hath fair advantage given him to accomplish his bloody design against the protestant cause and interest (so little hath she gained by her sinful compliance with the opinions and practices of Anti-

christian men, whether through base fear, or carnal prudence), even the cutting of it off, and the bringing of his people back again unto Babylon. Who knoweth but (though the Lord's enemies shall at last be trodden under, as straw for the dunghill, and he shall spread forth his hands in the midst of them, as he that swimmeth spreadeth forth his hands to swim, bring down their pride together with the spoils of their hands, lay low in the dust, and bring to the ground, even the high fortress of their wall, and so make all his enemies know that there is a King in Zion who shall and must reign until all his enemies be made his footstool) the only wise God, who knoweth how to turn everything to the best, may suffer the adversaries to prosper in their device and design, and so give up many of the people called by his name to the sword of the enemy, that others may be alarmed and awaked from their sleep, and put to their prayers, even to calling upon God with their whole heart, and not feignedly? O that they were wise, and would speedily prevent this deadly blow, by repentance, and by serious considering how they have fallen from their first love, and have forgotten their first works! O that they would think of returning to the most High, with fasting, weeping and mourning, rending their hearts and not their garments, of turning unto the Lord their God, who is gracious and merciful, slow to anger, and of great kindness, and repenteth him of the evil! However, his people are called to mind that word, Isa. xxvi. 20, 21, "Come, my people, enter thou into thy chambers, and shut thy doors about thee: hide thyself as it were for a little moment, until the indignation be overpast. For, behold, the Lord cometh out of his place to punish the inhabitants of the earth for their iniquity: the earth also shall disclose her blood, and shall no more cover her slain."

In these following sheets, there is some account given thee of the sad and deplorable condition of the church of Christ in Scotland. It is wonderful to see how variously Satan doth assault the churches of God, some one way, some another. That crafty and cunning adversary doth suit his baits and snares to the several complexions of people and churches against which he opposeth himself: some have the trial of cruel mockings and scourgings; others meet with bonds and imprisonment; and others with trial of some other kind. Against some Satan doth raise cruel and bloody persecutions; others he endeavoureth to draw away from their steadfastness and zeal by ensnaring allurements; a third sort he invadeth with all his troops and forces at once: and thus is the lately glorious church of Scotland tried this day. Upon the one hand he raiseth up against her men of corrupt minds, destitute of the truth, who make sharp their tongues, like a serpent, and under whose lips is the poison of adders. These have vented, and do vent, most bitter slanders and reproaches against her, and the way of reformation which the hand of God wrought in her. On the other hand he hath raised within her a most cruel persecution by a popish, prelatical and malignant party, setting them on with rage against all who desire to keep themselves unspotted and free of the contagions of this evil time,—forcing some by cruel and sore persecution, and ensnaring others that are more simple, deceiving and drawing them into their net,—and thereby causing many to comply with them in their wicked ways, and to run with them unto the same excess of sin and wickedness. Yet hitherto (for which the name of the Lord is alone to be magnified) the designs and devices of these Machiavellian Ahitophels, and bloody persecutors, have not taken such effect as they either

wished or expected. It is true many (alas! too many) have been carried away with the stream, and willingly walked after the commandment, to the great dishonour of God, amazement of nations about, rejoicing of the heart of the ungodly, and to the great stumbling and grief of the truly tender and godly in that land, so as the defection of that church may be matter of astonishment to the present and after generations. Yet it is her mercy that there are not a few in her whom conscience and Christian tenderness in their walk hath exposed to sad sufferings, who, through grace, have resolved to keep their garments clean, and to prefer the peace of a good conscience to all the treasures of Egypt, holding faith and a good conscience, of which many make shipwreck, and in the Lord their master's strength to hold fast their integrity, and to maintain their ground, though bonds and afflictions should abide them. The justification and defence of such is the intended scope of this following treatise; which, how well managed, is left to thy discretion to judge.

It is like such a worthy and noble cause may suffer prejudice through the weakness of him who here doth appear in its defence, wherefore it is wished that some more able pen be engaged in this work, for clearing to the world the present sad case of that church, and vindicating her from aspersions and calumnies, which her adversaries labour to fasten upon her. To speak in the justification of such a mother would well become the most eminent of her children. It would be so far from being below them, and a disparagement, that they might justly account it their glory to lay out themselves, in the utmost of their strength and parts, for the defence of such a cause when so few do avow and openly declare their owning of and adherence to it. But until the Lord shall be pleased to stir up and set on work some more able, and to prompt them with a spirit of zeal and courage for such an undertaking, thou must rest satisfied with this poor essay for the time. Only thou mayest give charity to the author, that it was not his intention to wrong, in the least, so glorious a cause, but, seeing none else did undertake or appear in it (for anything known to him) he desired, in a few words (that something, though it should prove little better than nothing, might be said in and for it), to make it known how worthy it were the thoughts and pains of a more able head and hand to deal in.

Many, it is like, will be the exceptions taken at this piece, and more than can now either be thought upon or obviated: such as are most obvious we shall endeavour to remove, by briefly touching and answering them.

Some may think it strange, that a piece of this nature, intended, as appeareth from its strain, for satisfaction of churches abroad, cometh not forth in a Latin dress. It is true it was intended at first, and so moulded and drawn up, as it might be published to the world in Latin, for the satisfying of strangers and churches abroad; but, upon second thoughts, when the case of the suffering people in that church and kingdom was considered, it was thought expedient that it should first be published in English,—that such as had hitherto valiantly resisted, to the loss of their means and liberty, might be strengthened and confirmed in their resolution, and the more encouraged to endure afflictions, when they should see that they did suffer for righteousness' sake, and that they were called thereto of God,—and that others might be quickened to follow their footsteps who had so cheerfully gone before them in the way, having hereby their doubts cleared, scruples removed, and their judgments con-

vinced in the point of duty; and this was found even necessary at such a time, when their temptations did abound, their faintings were like to grow, and when such as were able to give advice in difficult cases, and to encourage the weak, were thrust away. So the consulting of their present necessity did hasten it forth in this dress; besides, that many both in England and Ireland may receive information and edification hereby, of which they should have been deprived if it had been published in Latin. Afterward, if it be thought necessary and expedient, this or some other may be published to the world in Latin, with less prejudice to the present sufferers.

Next, some may think that several questions here handled might have been forborne, especially such as touch upon the civil magistrate's power and prerogative, seeing in all probability he shall be the more enraged thereby. It is true higher powers will not take well such free and round dealing; but what remedy is there? *Amicus Plato, amicus Socrates, sed magis amica veritas*, and it had been a just ground of offence, if, to please the higher powers, truth had been betrayed when necessity did call for witnessing unto it. The interest of Christ is much more to be valued than the pretended and imaginary interests of the highest powers on earth. The work of God ought to be justified whoever be offended therewith; and when many of the Lord's worthy and precious ones have adventured and laid down their lives, in the carrying on of such a work (unto which they were called of God), can it give just offence to any to hear it now pleaded for, because it is maligned and blasphemed; yea, such an essay as this, in defence and justification thereof at such a time, should, in reason, be accounted the more reasonable and necessary. If there be any unbecoming expressions, or savouring of passion, these shall willingly be disowned, providing that the cause suffer no prejudice thereby, knowing that the wrath of man worketh not the righteousness of God, and that no railing accusation, or speaking evil of dignities (which is condemned in the word) ought to be approved. Yea, the reader shall find, upon narrow search, considering the matter, that much more plainness and sharpness might have been used in such a dispute, and that as much inoffensiveness hath been studied as might be without hurt to the cause; and that, purposely, many particulars which might have been mentioned have been passed by; and that no particulars have been pitched upon but such as are still upon record in their printed acts, or were publicly acted and concluded in their public meetings. And as to these consequences, drawn from their acts and actings, which appear dangerous and destructive to the throne, let such as have laid the foundation in the premises, see to that, *ex veris nil nisi verum*. Who give twice two cannot be justly offended with any who shall thence conclude that they give four; and whether the consequences be clear and undeniable or not, the reader now hath it before him to judge. As to the king's supremacy in church matters, no truly reformed divine can justly take any exception against that which is here spoken upon that head. The privileges of the crown and sceptre of Christ should be highly valued, and earnestly contended for by all who call and account themselves Christians; and a discourse or debate on that subject cannot but be accounted necessary at this time, when the powers of the earth (as would appear) have combined together to rob Christ of his crown, and to share his privileges amongst themselves, to the great scandal of the gospel, and prejudice of the kingdom and interest of Christ in souls, and through the world.

Further, it is like some would have wished that the historical part, contained in the first and second sections, had been much more large. Such may know that brevity was studied, as much as could be, all along, yea, so much that it may be feared the reader shall think it the more unpleasant in reading; and that the scope and intendment of that part of the tractate was only to give a hint of the many and various troubles which prelates from the beginning had created unto that church, and by what steps and ways she was brought under their yoke: so that a large history could not be expected. It is true such a work as this would be both most seasonable and useful in this juncture of time; and it were to be wished that such as have the history penned by the learned and industrious Mr Calderwood, would think upon the most ready and effectual way for publishing it, that the world may have a full, clear, and satisfactory view of the many tossings which that poor church hath endured, and the many wrestlings which she had with a popish, prelatical and malignant party from the beginning. Meanwhile Mr Knox and Mr Petrie's histories, *Vindiciae Epistolae Philadelphi*, printed with *Altare Damascenum*, Mr Spang's *Historia Mortuum*, &c., the *Nullity of Perth Assembly*, the *Course of Conformity*, and such other printed pieces, together with the printed acts of General Assemblies since the year 1638, will give some light to such as peruse the same.

Many, no doubt, will think it strange that there is no mention made here of the sufferings of that worthy and renowned instrument of the work of reformation, the zealous and faithful Lord Warriston. As to this, the reader may know that this was occasioned only through the want of a full information of his case, and of the grounds on which the parliament did go, in taking away his life, and condemning him to death, as some notorious malefactor, to be hanged, and his head fixed on the port of Edinburgh, near to the head of worthy and famous Mr Guthrie, who speaketh when dead. This know, that after the king's return to England, and after the imprisonment of the truly noble Marquis of Argyll in the Tower of London, he sent orders to Scotland to cause apprehend him and some others, but he, receiving intelligence hereof, did withdraw, and by the good hand of God was secretly conveyed out of the kingdom, upon which the parliament, when assembled, did declare him fugitive, so that he was necessitated still to withdraw, knowing that, for the good service he had done to Christ, evil was determined against him, if he should fall into their hands; which afterward came to pass. It is certain also, that while he was abroad at Hamburgh, and visited with sore sickness, one Dr Bates (one of the king's physicians, worthy to be cast unto the bats rather than to live amongst Christians), intending to kill him (contrary to his faith and office) did prescribe unto him poison for physic, and then caused draw from this melancholy patient sixty ounces of blood, whereby (though the Lord did wonderfully preserve his life) he was brought near the gates of death, and made in a manner no man,—having lost his memory, so that he could not remember what he had done or said a quarter of an hour before,—in which condition he continued till his dying day. But all this did not satisfy his cruel and blood-thirsting enemies: he was sought after carefully, and at length given up, and apprehended at Rouen in France, and sent to England, where he did continue a prisoner in the tower of London until the last session of parliament in Scotland, anno 1663; where, even when he was not able to speak in his own defence (being to the conviction of his adversaries

no man,—far, and much different from that Lord Warriston, who sometime could not only have been a member, but a president of any judicatory in Europe, and have spoken for the cause and interest of Christ before kings, to the stopping of the mouths of gainsayers), he was triumphed over, particularly by the archbishop Sharpe, who then, with the black crew of his false brotherhood, did sit in parliament, as constituting the third estate, and was condemned to die in the manner above mentioned; so that that parliament, which was consecrated with the blood of two noble witnesses in the entry, was shut up and closed with the blood and death of this worthy witness. But (which is to be remembered with admiration) behold, this half-dead man, when the day of his death came, had a wonderful reviving, and was, beyond the expectation of all, graciously visited, and mightily assisted of God (hearing the many prayers of his people put up in his behalf), so as he gave a noble testimony to that honourable cause and work (in carrying on of which he had been honoured of God to be a worthy instrument from the beginning), and Christ triumphed in him over all his enemies that watched for his halting, as the reader may see, by his speech and carriage on the scaffold, set down in print. But he may have hereafter more full satisfaction, both concerning him, the noble marquis of Argyle, and famous Mr Guthrie, when the world shall see their processes and their defences in print, or when these following sheets shall be reprinted (if that shall be thought expedient and necessary, not only for these now-mentioned particulars, but also for further explaining, confirming and vindicating of any or all of the rest of the purposes here spoken to), after fuller information had in those particulars. Till then let the reader rest satisfied with the hints that are given here, and in the following sheets, of the case and carriage of those worthies, and pardon what is spoken short and unsuitable to their worth.

As to those who have appeared before the High Commission court (induced thereto by the evil counsel of some others, or the not thorough and narrow examination of the complex case, as circumstantiated, or being otherwise circumvented), and are now suffering upon some other account, wherein they found more clearness and satisfaction; and as to others also, who have not fully seen the evil of some things, which in the following debate are clearly demonstrated to be sinful, and yet, as to other particulars, are endeavouring to keep their former integrity, and to guard against compliance, let none of those think that anything here is said intentionally to put them to shame, or to proclaim before the world their weakness and defection, or to make glad the heart of the wicked; for if there had been any other way for vindicating such as do suffer upon the account of these particulars, and for preventing the fall of others into the same snare, this way had never been made choice of; and therefore, seeing nothing is said upon any sinful or sinister design, these brethren and Christians will take this smiting as a kindness, and these reproofs as an excellent oil that will not break the head, they will not take in evil part the discovery here made. They are of another spirit than to be embittered at such free and full ripping up of the evils of the course which many in this hour of darkness do follow; yea, it cannot but be hoped and certainly expected, that such as truly fear the Lord will bless his name, with all their heart, for such things made known to him, that in time they may repent of the same, and see cause of wondering at his goodness and mercy in not leaving them to themselves, in other particulars of trial, notwith-

standing of their failing of duty in that their begun trial. And who knoweth but serious mourning and repenting before the Lord, for fainting so far, would open a door for a great income of joy and consolation, to the sweetening of the bitterness of suffering, and to the strengthening and bearing up of their souls under their mighty pressures. So, then, the design, both *operantis et operis*, being good, let no tender Christian be displeased with the way of the prosecution of these particulars, or think that there is too much sharpness used, and that the consequences are drawn too strait; for if in the particulars themselves truth be maintained (as may be supposed will be granted), the arguments made use of can give no just offence, especially such as are drawn from the covenants which now are trampled upon by this sinful and backsliding generation, upon which many (otherwise not ill-minded) think not much, especially now, when it is reckoned a crime once to name them as standing in force and obliging the lands; and when the spirit of those who carry on with violence this woeful course of defection are so enraged at the same, that they cannot endure to hear a covenant so much as named, though it were even the covenant of grace. This, however incredible it may seem to be, and will hardly be received by a Christian ear, is a well-known truth. Now, at such a time, to put people in mind of their engagements unto God, and to discover how such and such practices are contrary to their covenant obligations and vows, cannot justly be condemned, but approved of all who desire to stand fast in this hour of temptation.

It is beyond all question the particulars here asserted shall meet with much contradiction from men of corrupt minds, whose principles will lead them to oppose what here is spoken in vindication of truth, and of the honest sufferers of Christ; and upon that account it may be expected that the same honour shall be done to this which hath been done to other more worthy pieces, namely, that it shall be committed to the fire, there to receive a quick dispatch and answer, which will be so far from lessening the credit of the book, that it will render it much more desirable, and confirm the weak concerning the truth of the particulars here spoken to, and of the unanswerableness of the arguments here made use of; and so the author's expectation shall be fully answered. But if they shall do it the justice to commit it to examiners one or more, who, with sobriety and moderation, shall publish their exceptions to the contrary, and shall examine these papers by the word of God, right reason, and the fundamental and municipal laws of Scotland, the particulars here spoken to shall be revindicated, the Lord granting life, strength, and liberty from all their exceptions. Only let not such as undertake this task, improve the advantage of authority (now on their side) so far as to do nothing but rail at random, and stuff their reply with unbecoming (to say no worse) and unchristian expressions, and outcries of Treason, treason; for in that case it will be thought expedient not to answer such in their folly. A good cause is a mighty second to a weak man; and so being persuaded that the cause is noble and just, much owned and honoured of God, there is the greater ground of hope that God will help such as shall undertake the defence thereof, and the cavils of men (who may be looked upon as *avversarij* in most of these particulars) are the less to be feared.

But, Christian reader, what entertainment soever it shall have with those who have outlived their zeal and integrity, and have shamefully declined in the day of trial, and have betrayed the cause and inter-

est of Christ; and therefore shall look upon themselves as not a little concerned herein and pinched hereby, being unwilling to have their evils ripped up and laid open to the view of the world. Let it have a Christian entertainment with thee; and though it come late to thy hands, through the injury of the times, let it not be the less welcome. If the Lord shall be pleased to bless it, it may be of use for thy strengthening in this growing storm, upon several accounts and grounds, whereof I hint but a few:—

1. By what is said here thou mayest see that the cause thou sufferest for is the good old cause; that same spirit which actuated the prelates and other enemies of the church of Scotland from the beginning, is now raging in her present enemies; the same design is and hath been endeavoured and driven on all along. How various soever the pretexts and colours have been under which they have sought to cover themselves, the covering hath proved too narrow for them; first Prelacy, and then Popery, was intended first and last. It is the same cause in the defence of which Christ's worthies of old did act and suffer, so long as they could stand, and in the defence whereof they were not afraid to bear the displeasure of king and court, and to hazard life and liberty, and all which was dear unto them. If then the same spirit doth act and work in the enemies of the church now which did act and work in their predecessors of old, pray thou that the same Spirit of God may act thee and all the faithful of the land, which did appear in the worthy and valiant champions of old, whether thou be called to act or suffer for his sake.

2. Thou mayest know from what is here related, that the cause for which thou art now suffering was brought very low before these times, and that the adversaries thereof have often got up to a great height, yet the good cause hath got above them; and how acts of Parliament, one after another, and all the devices of the adversary to seal the grave and to make it sure, could not keep this cause of Christ from a glorious resurrection. Many a time have they afflicted me from my youth, might the church of Scotland then have said, many a time have they afflicted me from my youth, yet have they not prevailed against me. The plowers plowed upon my back, and made long their furrows; the Lord is righteous, he hath cut asunder the cords of the wicked. And shall it not yet hold true, that all they who hate Zion shall be confounded and turned back, and be made as the grass upon the house tops, which withereth before it be grown up? There is no cause of despondency of spirit, or of giving over the cause as lost; there is hope in Israel concerning this matter; his people may still hope and trust in his name, who hath wrought salvation of old. He who did put that wicked party to shame and confusion of face, in former times, and made the name of prelates to stink, and their posterity to be as cursed vagabonds wandering up and down, bearing the marks of God's displeasure, still liveth and reigneth, and doth no more approve of the ungodly of this generation, nor of their more than barbarous carriage, who have laboured to outstrip their predecessors in perfidious treachery, than he did them who of old did set themselves against the Lord; yea, much less. It is true the men of this generation think they have pins for stopping of such holes, which their predecessors could not stop; but He who sitteth in the heavens doth laugh at them, and hath them in derision. He seeth that their day is coming. It is easy with him to cause the sword, which they have drawn to stay such as are of upright conversation, enter into their own hearts, and to break the bows which they have bent to cast

down the poor and needy. Our God liveth, and reigneth, and shall reign, let kings of clay rage as they will; therefore cast not away your confidence, which hath a great recompense of reward; for ye have need of patience, that after ye have done the will of God, ye may receive the promise; for yet a little while, and he that shall come will come, and will not tarry.

3. Thou mayest see that this cause and work, against which the wicked have conspired and set themselves, hath been signally owned and approved of by the Lord, for which he hath fought, and his right hand done valiantly, and whereby he hath got himself a name among the nations. And who knoweth what God will yet do for his great name, which, in this day of rebuke and blasphemy, is greatly reproached? Hath he begun, and will he not finish his work? It is true the provocations of his people do keep them long in the wilderness, yet he who hath frequently wrought, for his name's sake, that it should not be blasphemed amongst the heathen, will be tender of the same; and sith at this day there is much blasphemy belched forth by persons of all ranks against the great and glorious works of God, as much, if not more, than at any time or in any age wherein hath been less light, the people of God need not be hopeless, much less conclude that God, who is jealous of his own glory, and will not give it to another, will suffer it now to be given to the devil, on whom his work is fathered, but rather will certainly be avenged on those prodigiously and unparallelably impious and sacrilegious persons. How dreadful a thing is it to say, that Christ casteth out devils by Beelzebub the prince of devils!

4. Thou mayest see clearly, that the cause for which thou dost now suffer is the cause of Christ. His enemies would pull the crown from off his head, and the sceptre out of his hand, and by this means make him no King in and over his church, and consequently no Mediator; for, as Mediator, he is a king in and over his kingdom, that is, his church, in which he dwelleth, and over which he ruleth with his sceptre of righteousness. They will not have his kingdom a free kingdom, and consequently they will not have him a free king; they will not allow to him the liberty of appointing or instituting his own officers, or to rule his kingdom by his own laws, courts, ordinances, and censures; nor will they suffer church-administrations to be performed in his name and authority, as, in reason, they ought to be, if he be king and head of his church. He must have no more liberty to exercise his jurisdiction, by the ministry of his inferior officers, within their dominions and territories, than seemeth good in their eyes. The discipline of his house must be exercised only in so far as they think good to permit; and thus it is undeniable that they look on Christ as an evil neighbour, and as no good friend to Cæsar; they think his kingdom is of this world, and therefore it must have no place within any of their kingdoms and territories. Thus thou seest, that, in end, the controversy cometh to this: Whether Christ or man shall reign in the church as head and supreme governor thereof; and whether the interest of Christ or of man shall be preferred; and to prefer the interest of a man unto the interest of Christ hath heretofore been accounted malignancy of the deepest dye. But what shall become of this controversy, and how shall it end? Are they, or shall they be, able to put our Lord from his throne and out of his possession? No; he is set upon the holy hill Zion by a mighty hand, and his inheritance among the heathen is given to him by a surer deed of gift than that he should be so easily put from it. He hath a rod of

iron that will dash in pieces, as a potter's vessel, all his enemies, be they never so great and mighty. He is too strong a party for all the potentates and mighty ones of the earth, and therefore this, which is the grand controversy of those times, shall and must be decided in favour of those who stand upon Christ's side and maintain his right;—he is a strong captain, and will run through all the hosts of his adversaries. Christ's sufferers then may rejoice, whatever affliction they are or can be put to endure for this cause, which is a cause that doth highly concern Christ, the royal prerogatives of his crown and kingdom, and his glory, as he is the only head of his church, seeing they may certainly expect the victory ere all be done. And seeing, as famous and worthy Mr Gillespie, in the preface to his *Aaron's Rod Blossoming*, sheweth: "This cause and truth, that Jesus Christ is a King, and hath a kingdom and government in his church distinct from the kingdom of the world and civil government, hath this commendation and character above all other truths, that Christ himself suffered to the death for it, and sealed it with his blood; for it may be observed, from the story of his passion, that this was the only point of his accusation which was confessed and avouched by himself (John xviii. 33, 36, 37; Luke xxiii. 3), was most aggravated, prosecuted, and driven home by the Jews (Luke xxiii. 2; John xix. 12, 15), was prevalent with Pilate as the cause of condemning him to die, (John xix. 12, 13), and was mentioned also in the superscription upon his cross (John xix. 19). And although, in reference to God and in respect of satisfaction made to the divine justice for our sins, his death was *λύτρον*, a price of redemption, yet, in reference to men who did persecute, accuse, and condemn him, his death was *μάρτυριον*, a martyr's testimony to seal such a truth." Thus he, Christ, is a good second, and will not suffer any who contend for his crown, throne, sceptre, privileges, and royal prerogatives of his kingdom, to be put to the worse. If he plead for any cause, we may be sure he will plead for his own. Let not, then, his constant and valiant sufferers fear; for greater is he who is with and for them than they who are against them. Christ alone is more than match and party against all kings, princes, potentates, parliaments, popes, prelates, kingdoms, and armies, yea, and all the *posse* of devils and men, therefore they may be assured that he and his cause shall be victorious; for he must reign until all his enemies be made his footstool.

6. Thou mayest see, that the truth for which thou dost suffer, is a truth which is after godliness, tending to the promoting of piety and of the power of godliness, while as the contrary cause and course leadeth to all profanity and debauchery, as experience doth this day evidently and undeniably prove; and this is no small ground of comfort, for the way which is not of and for God cannot stand. You may pray against your adversaries as really wicked, driving on a design of wickedness which is evidently demonstrated by their acts and actions. Their enmity against, and opposition unto godly, faithful, zealous, and able conscientious ministers of the gospel, and unto Christian meetings and exercises; as also their pressing of godly conscientious persons unto perjury and blasphemy, which is the height of wickedness, do put the matter beyond all doubt. And is not this enough to make thy soul loath and stand aloof from these ways, and to bless God for his preserving thy soul from their counsels and courses, and so from partaking of their judgments, which do certainly make haste; for God is of purer eyes than to look upon iniquity, therefore he will not always look on those that deal

treacherously, and hold his peace when the wicked devoureth the man that is more righteous than he? The Lord hath ordained them for judgment, and the mighty God hath established them for correction. When Agesilaus did hear that Tissaphernes, a captain of Persia, had broken his covenant which he had made with him, and was raising an army to come against him, he was very glad and said, *Se magnam habere gratiam Tissapherni, quod perjurio suo, et Deos et homines sibi infensos reddidisset, adversas vero parti propitios*,—he thanked him heartily that, by his perjury, he had made both God and man angry at himself, and favourable to him and his cause. And may not his people be persuaded that God is, this day, displeased with the covenant-breakers, who are not satisfied with their own treacherous dealing and perfidiousness, but will have all others entangled in the same guilt?

6. Thou mayest see that action, which is now so much branded with the vile and contemptible names of treachery and rebellion, I mean, Scotland's defending of itself against its bloody enemies, cleared from all these imputations and foul calumnies. Changes of times make many changes in people's judgment, and, at this time, it may be feared that many have changed their opinion, because they see the water running in another channel than it did formerly, and are now ready to condemn those noble worthies and valiant champions who jeopardized their lives unto the death, in the high places of the field, and have shed their blood in that cause (which is a more grievous guilt than many do apprehend). But here thou seest how little cause there is for condemning that action; yea, what necessity there was laid upon Scotland to stand to their defence, as they would not have betrayed the cause and interest of Christ, which they were sworn to maintain, according to their place and power, their lives, lands, possessions, liberties, as Scottish men and as Christians, into the hands of their implacable enemies. Were these valiant worthies now living, who are gone off the stage with honour and credit, and hearing and seeing what they might now hear and see, how would they stand astonished at this degenerated generation, that so easily quit with that which they did lose their blood and lives to purchase and obtain; yea, and to see or hear the self-same persons, who, but twelve or sixteen years ago, were jeopardizing their lives with them for the same cause, either condemning that practice, or carrying themselves so indifferently now, as if these matters appeared but trifles and not worth the contending for. Whosoever they be who now seem to be ashamed of that cause and of themselves, in contributing their help for the promoting of the same, it may be thought that it was not conscience that moved them thereunto, but some other ends, otherwise their judgments would not so soon alter, seeing there is no other argument now seen but the wind changed from south to north, which dispensation useth not to work much upon consciences, whatever it may do upon other principles. If the former generations had been of such a cowardish disposition, how had Scotland been delivered? If they had walked upon no other principles but such as would have changed when the storm did begin to blow upon their faces, where had the land been ere now? And if there be no other spirits in Scotland this day, where, may it be imagined, shall that church be found ere long?

7. Thou mayest hereby be more enabled to dispute against Prelacy than possibly thou was, having now seen how and what way it was brought in into the church formerly, and how it is ushered in to-day; and when it is established by force over the church's belly, how it proveth the bane of all church

order, piety, and edification; and this is a strong argument to prevail with such as have the root of the matter in them, and enough to make them question such a way as no way of Christ's. To say that the abuse of the power by such as are in possession of it will not plead much against the power itself, will be of no force in this case, where the *ius* of the power cannot pretend higher than to be *humanum*; and if its admirers should allege that it is founded upon a *ius divinum*, these necessary consequences, as so many *propria quarto modo*, will sufficiently ground an improbation. Scotland never saw prelates without such a long train of hellish consequences, discovering, to any judicious eye, their rise to be from below; and if the prelates now in place had thought it of their concernment, they might have cut off that long tail, but it seemeth if they had done so, they would have lost somewhat that they thought essential to themselves, and therefore, as if they had thought all the abuse whereof their predecessors were guilty was their too much lenity and forbearing to persecute the godly and banish piety, they have made the poor church feel that their little finger is heavier than the loins of their forefathers; and so the argument of the vulgar is confirmed with a witness, and become more unanswerable than ever.

8. Thou mayest likewise have arguments put into thy mouth whereby to defend thine own practices, in standing to thy former principles, and stop the mouths of thine adversaries. Before you was willing to suffer for Christ and his interest, though you could not dispute much for him and his truth, and that was a great evidence of love; and now thou mayest get some help in disputing for the truth, by the arguments set down in the following sheets; and the few arguments which you will find there may bring others to thy mind, and thus thou mayest be helped to meet thine adversary without fear.

9. But if these adversaries be of such a disposition as to take advantage of thy speaking or arguing for truth to bring thee into trouble, and therefore, in prudence, thou wilt think it best to keep silence, thou mayest hereby be confirmed, in thine own mind, of the unlawfulness of such courses as the current of the times would draw thee unto, as it doth others; and how unjustly thou art persecuted for refusing to comply with such sinful ways. And, further, because it is like the malice of Satan and his instruments will not rest here, but they will still be devising new ways to lay snares for the consciences of such as walk uprightly, by what is said to the particulars handled in the following sheets, thou mayest be helped to judge of new emergent questions, which thou mayest be exercised with afterward, and so to know how thou oughtest to carry thyself in reference to these new trials.

10. Thou mayest have some ground of hope that the Lord's end, in suffering this sudden and sad change to continue so long, is but to purge more fully his church from the much dross and corruption which otherwise, in all probability, had never been purged away. It is possible that these by-past years of prosperity (her most afflicted condition being a prosperous state when compared with her present condition) have done the church of Scotland more harm, by reason of corruption within, than many years of sad adversity shall do. The former prelates had a time before they came to their height, and all those many years wherein they were on the rising hand, and after they came to the possession of their full power, the Lord was trying and purging his church; and, at length, when His time came who waiteth that he may be gracious, and loseth not a fit opportunity of doing good to his church

and people, he brought the church of Scotland out of the furnace, and laid her stones with fair colours, and her foundations with sapphires, so that the years 1638-39, were as glorious years as any which she hath seen since. And these prelates, though they have made great haste in their rise, yet must have some time to do that work in which the Lord is employing them as his lixes: one day discovereth more now, than a year formerly could have done. One prelate (blessed be the Lord who is master of work) doth more than many purging committees could do. Why then should we weary? We know not what the Lord is about to do, but when we consider what were his dispensations, in former times, unto that church, we may now hope that he will bring the church of Scotland out of the furnace as fair and beautiful as ever, if not more; so that those who saw the foundation of the old temple laid, anno 1638, &c., shall not have cause to weep when they see her foundations laid of new, and the Lord reviving the stones out of the rubbish which are burnt. If his people were humbled, and did not stand in the way of their own mercies, who can tell what the Lord would do, and how soon he would appear for his oppressed people and interest, and declare that he hath chosen Zion, and hath desired it for his habitation, and then clothe her priests with salvation, and cause her saints to shout aloud for joy? The popish, prelatical, and malignant faction have been losers when they thought themselves gainers, and all their victories have proven hurtful to their own cause; and who can tell but this day, which they think they have gained, and the victory, whereof they think themselves so firmly and certainly possessed as that they shall never lose it again, may prove the most fatal day that ever they saw, and a victory tending to the everlasting ruin of their cause and interest?

11. Thou mayest see these covenants, against which, in this degenerate age, reproach cannot sufficiently be poured forth, vindicated; and the lands obliged and covenanted lands before the Lord, whatever course hath been taken by higher powers to loose the obligation. This Gordian knot will not be gotten so easily loosed as some would imagine. People may think to close their eyes, and then reason themselves out of the obligation of a covenant and oath taken before the Lord, and so cast themselves at liberty; but that will only wreath the heavy yoke of God's curse straiter about their neck. It is no small matter of admiration to hear how basely many men do speak of these holy bonds and sacred covenants. But let men (who take pleasure in venting the venom that is within) say what they will, Scotland hath no cause to be ashamed of these covenants. It was a sweet day when the national covenant, which had been long buried in oblivion, was raised out of the dust and renewed; and, it may be, Scotland shall have as sweet a day, when both that covenant and the solemn league and covenant, which now lieth buried under a heap of the ashes of contempt and reproach, shall be raised up and renewed with great acclamations of joy. It is true this seemeth not to be very probable now, but Scotland's covenanted God liveth, and his arm is not shortened. There was not very great probability of renewing the national covenant some few years before, when the prelates were tyrannising at pleasure, and no man durst so much as complain of any injury they did. It is easy with God to put spirit and courage in people, make them stand upon their feet, and become an exceeding great army who were before but dry bones, yea, very dry bones; and, howbeit, now that league and covenant be looked upon as a device contrived purposely to overturn the



throne, yet, as it hath already proved, so again it may prove as sure a pillar for the throne as any, and as effectual a mean to preserve the same from being overturned as any other. But, Christian reader, by what you will see in the following sheets, thou mayest easily perceive that it is both a sinful and dangerous thing to break covenants, and a sin which heathens have scared at; and, therefore, remember thy covenants and vows made unto the most High. Let not the speeches nor carriages of others, who think they cannot exceed in casting out the venom of their heart against these covenants, lessen thine estimation of them, but rather increase the same; and the more you hear others cry down these covenants as null, keep thyself under their tie so much the more carefully. Make conscience of studying these covenants and the duties unto which you standest bound before the Lord by virtue thereof. It is true thou art not now in a capacity to act for the carrying on the ends of those covenants, as sometime thou hast been, yet keep thy spirit still under the impression of their obliging force; and when you cannot by acting promote the ends of the covenant, thou mayest do it by constancy in patient suffering for adhering to that cause and covenant. See what thou art obliged unto by virtue of these covenants, and let never these duties be forgotten, but as the Lord offereth occasion, let it appear that you are under the impression of the oath of God, thus shall you have peace and joy, when shame shall cover the faces of all covenant-breakers.

12. Thou mayest see how this yoke of Prelacy, wreathed in former times about the necks of the inhabitants of Scotland, did prove so intolerably grievous, that they were made to groan under it, and how they became restless until they shook it off. And experience this day doth prove how necessarily it is attended with grievous oppression and foul affliction. It hath been found, and is seen this day, how prelates have trampled, and do trample, upon the nobility, gentry, and burghesses of the land. The land formerly hath found, and to-day doth find, what the weight of a St. Andrew's cross and of the prelates' rocket is; and that their little finger is heavier than the loins of ministers, whatever grudge and outery there was against the discipline of the church. It is true they proclaim liberty, and give way to all vice and iniquity, and are leaders into these wicked ways themselves, and are patterns and patrons unto the people, whom they encourage by their evil example to follow them in their trade of wickedness, and it is like this is the only thing which maketh that government desirable unto many, who love not to be curbed in their licentious and wicked courses, but desire to have the bridle laid upon their necks, and liberty to follow the swing of their own corruptions and beastly lusts. Yet it may be, that many are, ere now, wearying of them; yea, who knoweth but before this time, many of the nobles, and others of the land, who did earnestly pant after a change of church government, wishing the day wherein prelates might be re-established in their power, and faithful ministers oppressed and put to the door, that so they might enjoy full and free liberty to commit sin with greediness, do begin to bethink themselves, and to be sensible of their folly, when they see how prelates tread upon their necks, not caring what disrespect they put upon them, or how basely they use them, when they see that they have acted below themselves and below men, when they made shipwreck of their consciences, and sold their souls to promote their ambitious designs, and to help them to ascend unto the top of their intended grandeur. No doubt many

are thinking with themselves that they have run too fast, when they see that all the thanks that they are like to have from those who excel in gratitude, is to be trod upon as mire of the streets. It is a bad reward (but the just and righteous hand of God may be seen in it) to enslave the persons and bodies of such, who have voluntarily enslaved their souls to set them on high. O that the nobles and gentry of the land would at length resent this indignity, and observe the hand of God punishing them with a whip of their own making, when they see how undervaluingly these men look upon them, and account them no better than their slaves and underlings; and would acknowledge God's equity and justice in this dispensation, and at length see and mourn for their sin, which is so legibly, as with capital characters, written upon their judgment! May it not come to pass that these zealots for Prelacy shall weary of this yoke, and wish as earnestly for the day wherein they may be delivered from this bondage, as ever they did long for the day wherein they might have their necks brought from under the sweet and gentle yoke of Christ? May not the peers and body of the land come at length to supplicate his Majesty to loose this yoke from off their necks, when their Scottish (sometime generous) spirits shall not be able any longer to endure such insufferable slavery. This is not impossible, nay, nor improbable; though it were to be wished, that they might act that way upon some other principles, principles of piety and godly tenderness,—that, seeing their injury done to Christ, in shaking off his government and laws, willingly following after the commandments of men, and mourning therefor, they might lament after the Lord, and seek him with the whole heart, and engage themselves in a covenant with the Lord, to be for him to the utmost of their power, and bring the land back again to seek the Lord God of their fathers, that he may have mercy upon them and heal their backslidings, and build up the walls of his church, and make her a praise in the earth.

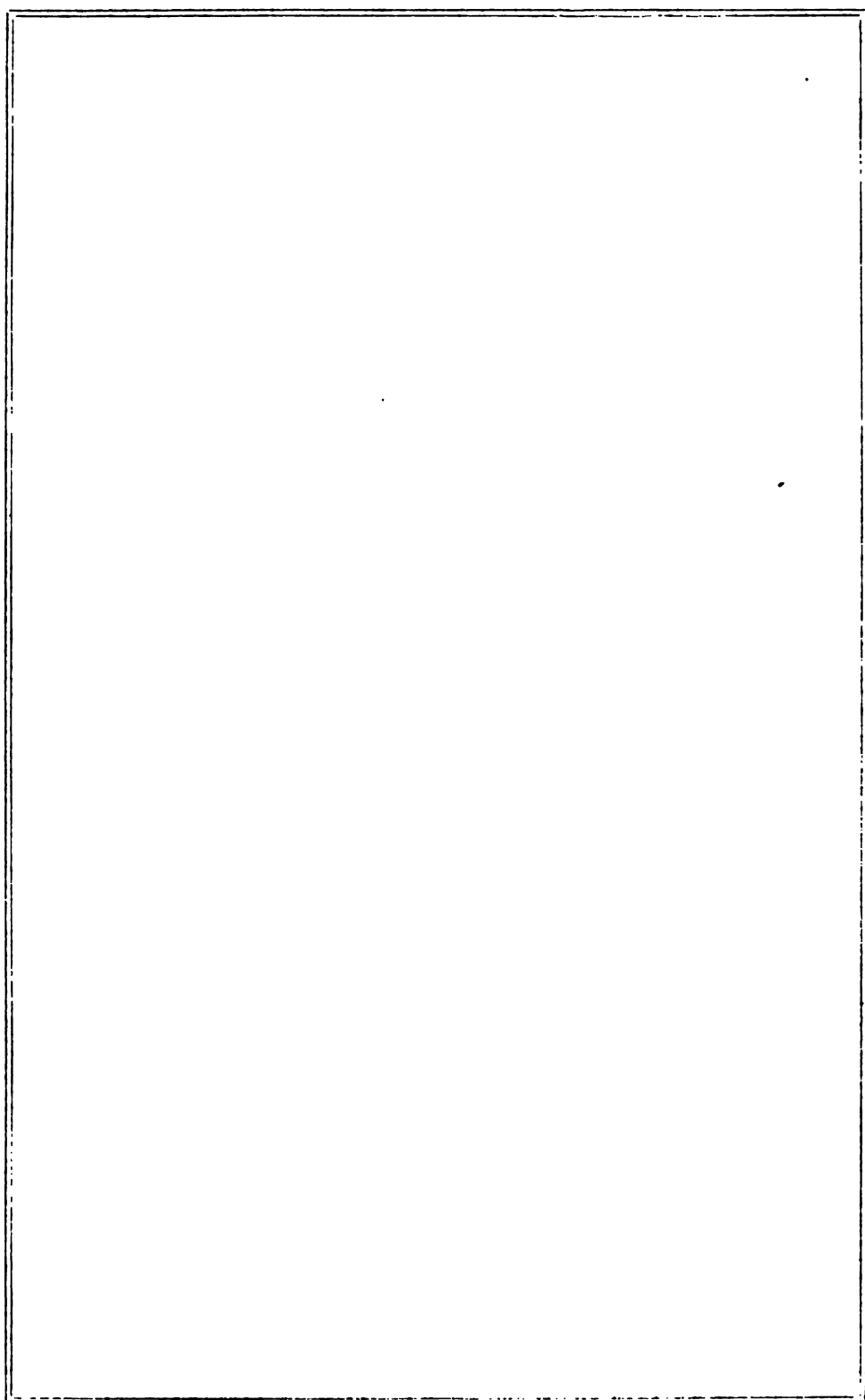
But whether the nobles and other inhabitants of the land shall think of these indignities and seek for a remedy, or couch under the burden as ashamed once to desire to have the yoke shaken off, which they themselves, with so great delight and diligence, have fastened about their necks with their own hands, yet it doth well become the godly of the land to be sensible of the great and grievous wrongs which are done unto Christ, to his church and work, and to cry out continually, and complain of those oppressions unto the Lord, who will hear the cry of the oppressed, and will be a refuge for them, and judge them, that the man of the earth may no more oppress, when now he seeth that she is oppressed without cause; and to watch carefully that the continuance of the trial and oppression wear not out the sense of these encroachments and intolerable pressures lying upon the church, and upon the consciences of the Lord's people; and that no deadness seize upon them, but that still the memory of the good old cause be fresh with them, pressing them daily to renew their earnest supplications, and to wrestle seriously with God, that he would be pleased, in his own good time, to break the yoke of the oppressor, and, according to his promise, take away the captives from the mighty, and deliver the prey from the terrible, and contend with them that contend with his church, save his children, and feed those that oppress them with their own flesh, and make them drunken with their own blood, as with sweet wine; that all flesh may know that he, the Lord, is their Saviour, and their Redeemer the mighty one of Jacob, Isa. xlix. 25, 26.

He hath said, that "for the oppression of the poor, and for the sighing of the needy, he will arise, and set him in safety from him who puffeth at him. The words of the Lord are pure words, as silver tried in a furnace of earth purified seven times;" therefore his people are called to wait upon the Lord. The vision may yet be for an appointed time, but at the end it will speak and not lie; though it tarry, they must wait for it, because it will surely come, and will not tarry. His people are called now to mind duty, and to look what the time, the opportunity, and the dispensation under which they are at pre-

sent calleth for. It is not good for them to be slacking their diligence, but rather they should wax strong in the Lord, and in the power of his might. It is not good for them to faint and sit up now, as overcome with impatience and hopeless despondency of spirit; but patience should have its perfect work. Be steadfast, therefore, dearly beloved, unmoveable, always abounding in the work of the Lord; forasmuch as you know, your labour is not in vain in the Lord. Now to him that is of power to stablish you, to God only wise, be glory for ever, through Jesus Christ, Amen.

## AD LECTOREM.

Sub pedibus lunam, Mulier, nunc calcat; amicta  
Sole; caput stellæ, ceu diadema, tegunt.  
Conspicitur medio ut signum admirabile cœlo;  
Fixa velut medio, petra decora, Salo.  
Sæpius incerto varia est ut Cynthia vultû,  
Parte sui semper, totaque sæpe latet.  
Fulgida iustitiæ nuper quæ sole, tenebris  
Mox velut infernis tecta, sepulta jacet.  
Firma licet Petræ mancant fundamina, quassis  
Mœnibus et fulcris, contremuit ipsa domus.  
Sidera lapsa polo, capiti diadema revulsum  
Sponsaque pulvereâ squallida sorde sedet.  
Quisquis es hæc toto qui non spectaveris orbe,  
Exhibet hic scenam, Scotia mœsta tibi.  
Scotia quam varios casus sit passa; procellis  
Quassa quibus, quantis, te docet ille liber:  
Præsulis hic mitræ pondus, regisque tiaræ,  
Penditur, et Christi jura, bilance pari.  
Invadit Christi regnum cum principe præsul,  
Arrogat hic regi, quod rogat ipse sibi.  
Præsulis est Scotiæ relegandum nomen averno,  
Prora quibus præsul, puppis et una mali est.  
Hic videas vicibus ternis quas infula strages  
Ediderit; præsul, Cerberus iste triceps.  
Pontificum primus fuit impetus; iste retusus  
Evasit virgo, quæ fuit ante lupa.  
Vis tamen huic facta est vulpinâ fraude secunda,  
Restiterat zelo plebs, proceresque; pio.  
Tertius horribilis est nunc impetus ille Leonis.  
Cernitur hic vulpes qui fuit ante Lupus:  
Bestia bis cecidit, bis cornua fracta revinxit.  
Tertia certa feram et vasta ruina manet.



AN

## APOLOGETICAL RELATION

OF THE

PARTICULAR SUFFERINGS OF FAITHFUL MINISTERS AND PROFESSORS  
OF THE CHURCH OF SCOTLAND.

IT hath been the common lot of all the afflicted and persecuted people of God, in all ages, to meet with sad and bitter reproaches, as a constant concomitant of their other sufferings. Satan, thinking it for his advantage to add affliction to the afflicted, and to use his utmost endeavour to break them with one sad exercise at the back of or together with another, is not satisfied with stirring up sore persecution against them, but endeavoureth likewise to load them with such reproaches and calumnies as are able to break the heart of ingenuous and single-hearted persons. And for this cause the Lord's people in all ages have been put to entreat that he would clear and vindicate them and their actions from such foul aspersions, and make their innocency break forth as the noon-day, and would direct them into such ways and means as might tend, through his blessing, to their rational vindication before the world. Hence have proceeded the many apologies and defences which have been used of purpose to clear to the world the true ground and cause of their sufferings, and to discover how groundless and unjust those reproaches and calumnies were, which men, whose hearts were full of wickedness and tongues dipped in gall, had vented for this end alone, to render both them and their just and righteous cause odious to strangers.

And at this time there may be just cause to fear that the malice of that old enemy is not asleep, and that he is leaving no mean unassayed to make the suffering church

of Scotland and her cause odious in the eyes of foreign Protestant churches, to the end she may not only miss and be disappointed of that Christian sympathy and fellow-feeling which is expected of all the true members of Christ's body, but also (which is far worse) be condemned, and through her sides, the cause and truth of God (which ought to be more precious to Christians than anything else) be put to suffer, and by this means the great works of God, whereby he (convincingly even to enemies) did testify his approbation of the work of reformation, begun and carried on there these years bygone, be called in question, and fathered upon the devil, which would be the height of iniquity, being (or at least bordering upon) that unpardonable sin against the Holy Ghost charged upon the Pharisees, Matt. xii.

But notwithstanding of all this travail which this old enemy and his indefatigable under-agents are or have been at, according to their custom, to get the prejudices against that church, which they have laboured to beget in the minds of strangers, fomented, and so deeply rooted as that there shall be no place for her, or any in her name, to publish to the world any apology or defence, or a justification of her cause and ground of present suffering,—it is expected that Christian churches abroad have reserved one ear open to Christ and his suffering followers, and that a true representation of the present case and condition of that suffering church shall be heartily

welcomed by those whose ears have been hitherto filled with the clamorous outcries of men who make no conscience of oaths, let be of words, and who have learned exactly that lesson, *Calumniare audacter, semper aliquid hærebit*.—Heap up many slanders and vent them with boldness and audacity, and something will stick.

Though there be no ground for any to think that neighbour Protestant churches have so far drunk in prejudices against that church, or received such an impression from the misreports and misrepresentations which her malicious adversaries have made, as that an attempt of this nature shall seem altogether useless; yet this is certain, that the most lively demonstration and representation of the present case and condition of that church that can be fallen upon, shall not hold forth unto strangers and foreigners such convincing light and evidence of all matters there, as a few days' being ear and eye-witnesses to all her present calamities, compared with the days of old, when the glory of the Lord appeared in the midst of her, would do. And therefore, though as to such who are indeed strangers unto the great things which the Lord hath wonderfully begun and carried on in that church, small success can be expected to follow such an enterprise; yet as to others, whether churches or persons (of whom it cannot be but that there is a great number, who have both heard and wondered at the works of the right hand of the most High there, and have received much soul-refreshment from the report, wishing and earnestly supplicating for the like unto themselves, and longing for the day wherein they might see the Lord's arm stretched out with the like reformation and salvation unto other churches about), this undertaking will have its own use and advantage. And, without all question, silence at such a time as this might do much both to sadden the heart and to stumble such as would be glad to hear of the stedfastness of the faithful followers of Christ in that land, for if there were none to open a mouth for her now, nor any to plead her cause, it might be thought that all had so far changed with the times, as to condemn their own former proceedings, and to entertain strange and unbecoming thoughts of the wonderful works of the right hand of the most High wrought among them; and so become ashamed of their cause, and durst not adventure to speak in their own justification.

Therefore, being confident of the good acceptance which this undertaking shall meet with from compassionate and Christianly-affected churches and people about, and persuaded that God, whose interest and cause this is, will, in his own good time, arise and plead the same, and vindicate his work from all the aspersions and calumnies of men, by a reviving thereof in the midst of the years, and a bestirring of himself for the carrying on of the same, until the copestone be put on, and thereby give such an unanswerable apology as shall be sufficient to stop the mouths of all adversaries, and to confirm his followers, and comfort the saddened hearts of his sufferers; this present piece of work was the more cheerfully undertaken, to the end (beside what use the present suffering members of that church might make hereof for their own satisfaction, encouragement and strengthening in the Lord) that such of the neighbour churches about, whose ears have been filled with the slanderous reports, to the vexing of their souls, raised by the adversaries of that church, and carried on by all the art of hell to the strengthening and confirming of their ill cause, may be undeceived, and rightly informed touching the true estate of affairs in that church.

And to this end it will be sufficient, in the first place, to give a short and clear historical relation of the troubles which the former prelates, who were in that church, did create unto her, both in their rising and when they did come unto their height, and of the wonderful manner of the Lord's bringing them down and casting them out of that land and church, with shame and disgrace: and then to give some view of the present state of that church, by mentioning some particulars which are the grounds of the present sufferings of the people of God there, and clearing the equity and justice of their cause who have chosen affliction rather than sin, and when by this means it shall be seen from what an excellent and desirable state that church is now fallen, as in a moment, and into what a condition of woe and lamentation she is now plunged, all who are Christianly-affected with the afflictions of Joseph, may be moved to compassionate her case, and to sympathise with her, and if they can do no more, be stirred up to mind that bleeding, swooning, and almost expiring church of Scotland, at the throne of grace.

## SECTION I.

SHOWING HOW THE CHURCH OF SCOTLAND WAS LONG GOVERNED WITHOUT PRELATES, AND AFTER WHAT MANNER THEY DID ARISE TO THEIR HEIGHT THERE, WITHOUT THE CHURCH'S CONSENT.

It is not unknown, that, according to the testimony of Origen and Tertullian, the Scots did embrace the faith amongst the first, and probably (as Buchanan sheweth) they received it from some of John's disciples, who fled by reason of the persecution, caused by that bloody Domitian: so that about the year 203, which was the fourth year of King Donald I., Christian religion was publicly professed, the king himself, his queen, and divers of the nobles, being solemnly baptised, after which he purposed to root out heathenism out of the kingdom, but was hindered by wars with the Emperor Severus.

Thereafter, about the year 277, King Crathilinthus intended a reformation, but was much hindered by the heathenish priests (called Druids, from their sacrificing in groves under oaks, as some suppose), who, by their subtle insinuations and power, had much influence upon the people, yet the Lord did second the intentions of this good king, and sent several worthy men, both ministers and private Christians, from the south parts of Britain, where the ninth and tenth persecutions under Aurelius and Dioclesian did rage, and these, for their single and retired life, were called Culdees, *quasi cultores Dei*, more probably than because of their living in cells; and this work continued till about the year 340, and then did meet with a great interruption, by reason of civil wars, whereby the land was wasted and all the Scots banished, until about the year 420, when Fergus II. came into Scotland, whose son Eugenius sent for the exiled Culdees, and gave them great encouragement, and they did set themselves to their work. And this continued until about the year 452, when Palladius, being sent into Britain by Pope Celestine, came into Scotland, who, by his subtle insinuations, did gain so much upon the simple people, as that in a short time he moved them to consent unto a change of the government of the church into Prelacy, and himself be-

came the archprelate. But before this Palladius came Scotland never saw a prelate, if our ancient historians are to be believed, such as Baleus in his *History of the Britons*, &c., cent. 14, cap. 6, who says, *Ante Palladium Scoti*, &c.,—"Before Palladius came, the Scots had their bishops and ministers, by the ministry of the word of God, chosen by the suffrage of the people, after the custom of those of Asia; but those things did not please the Romans." Bede, in his *History of England*, lib. 1, who saith, *Palladius ad Scotos*, &c.,—"Palladius was sent unto the Scots, who believed in Christ, by Celestine the Pope of Rome, as their first bishop." Prosper, in his *Chron.*, ad an. 436, saith, *Ad Scotos*, &c.,—"Unto the Scots, then believing in Christ, Palladius is ordained by Pope Celestine, and sent thither the first bishop." John Fordun, in his *Scottish Chronic.*, lib. 3, c. 8, saith, *Ante Palladii adventum*, &c.,—"Before the coming of Palladius, the Scots had for teachers of the faith, and ministers of the sacrament, presbyters only, or monks, following the customs of the primitive church." Johannes Major, speaking of the same Palladius, saith, *Per sacerdotes et monachos*, &c.,—"The Scots were instructed in the Christian faith by priests and monks, without any bishop." And Buchanan saith, *Nam ad id usque tempus*, &c.,—"To that very time (speaking of Palladius' coming into Scotland and changing the government) the churches were ruled by monks without bishops.

It is true Spotswood, in his late history, would make the world believe that in the days of the Culdees there was no government in the church of Scotland but prelatical; because Boethius saith, "That those priests or Culdees were wont, for their better government, to elect some out of their number, by common suffrage, to be chief and principal among them, without whose knowledge and consent nothing was done in any matter of importance, and that the person so elected was called *Scotorum episcopus*;" and farther, as if his bare dissenting from Buchanan would be enough to blast the reputation and weaken the credit of that renowned historian, he saith, p. 7 of his history, "What warrant he (i. e., Buchanan) had to write so, I know not, except he did build upon that which Johannes Major saith. But from the instruction of the Scots in the faith, to conclude that the

church, after it was gathered, had no other form of government, will not stand with reason; for be it as they speak, that by the travel of some pious monks the Scots were first converted unto Christ, it cannot be said that the church was ruled by monks, seeing, long after those times, it was not permitted to monks to meddle with the matters of the church, nor were they reckoned among the clergy." To which it is easily answered, 1. That the sole word of a late historian, and of an excommunicated forsworn prelate, speaking in his own cause, will have less weight with every rational man than the testimony of so many famous and eminent historians, known through the world. 2. All the Prelate's logic will not conclude from these words of Boethius, that that there was episcopal government among the Culdees, if Boethius himself may be heard, whom all are bound to believe better than this prelate, who reasoneth according to his skill; for he, lib. 7, c. 28, saith, *Erat Palladius primus omnium, &c.*,—"Palladius was the first of all who did bear holy magistracy among the Scots, being made bishop by the great Pope." Thus he affirmeth clearly that Palladius was the first who had episcopal power, or exercised a magistratical domineering power in church matters. 3. Could Buchanan, a man many stages beyond the archprelate, know no reason or ground for what he said but what this archprelate could perceive, who had no will to open his eyes? 4. As this archprelate doth wrong his own credit as an historian when, without warrant, he contradicteth so many famous historians, so doth he discover much weakness in reasoning; for to say that the monks did not govern the church before Palladius landed in Scotland, because, after Palladius came, they were put out of all account, and got not liberty to do so, is such a ridiculous consequence, as can hardly be paralleled; as if one should reason now, and say the church of Scotland was not governed by ministers before the year 1661, because after bishops got all the power into their hands the ministers had no power of government in the church. Much more might be said here against the reasoning of this late historian, were it fit to insist upon every such frivolous argument of his.

So then, from those forecited historians, and from Baronius, in his *Annals*, it appeareth that the church of Scotland was several

hundreds of years without a domineering prelate, and after the time that this Palladius came she was still in a decaying condition, through the increase of Popery, which at length did overspread the whole land, in which Romish darkness she did lie until about the year 1494.

About which time the Lord began to visit that poor church with his salvation, and to cause some light of the gospel to break up in several places of the land; but no sooner did the light appear but as soon did those antichristian prelates and vassals of the Pope begin to rage, and to raise persecution against the young professors of the truth and followers of the Lamb; and so with fire and faggot they sought to destroy all who professed the true religion, until about the year 1550, when, notwithstanding of all this rage and cruelty of the beast and his followers, the knowledge of the truth did spread through the land, and a farther work of reformation began to be carried on by worthies whom the Lord raised up, such as famous Mr Knox and others, who were singularly owned of God in that work. Though Mr Spotswood, according to his usual manner of mistaking the words of God, and of venting his enmity to piety and purity, is pleased, in p. 60 of his history, to say, that "this reformation was violent and disorderly." And albeit at that time the queen was endeavouring, by all means possible, to keep up the idolatry of the church of Rome, and to suppress the reformed religion, so powerfully did the Lord, in his goodness, assist these worthies, that in the year 1560 there was a large confession of faith drawn up at the command of the parliament which did convene that year, in which confession all the popish errors were renounced; and, after it was exhibited to the parliament and there read, and when it was read, the prelates who were there present had not one word to speak against it, which, when the Earl Marischal did perceive, he said, "Seeing the bishops (who by their learning can, and for the zeal they should have to the truth, would gainsay, if they knew anything repugnant) say nothing against the said confession, I cannot but think that it is the very truth of God." Thus this confession was openly avowed and professed by this parliament, as is clear by the act 6, parl. 1, King James VI., anno 1567, and act 86, par. 6, anno 1579, where these words are found in both acts: "And

decerns and declares that all and sundry who either gainsayeth the word of the evangel received and approved, as the heads of the confession of faith professed in parliament before, in the year of God 1560." At this parliament there are several acts made against Popery, as against the mass, and against the Pope's authority and jurisdiction: for such as were for the reformation, or the congregation (as they were then called) did supplicate that they would condemn the antichristian doctrine, and would restore the discipline of the ancient church, and discharge the Pope's jurisdiction; and, accordingly, as was said, there is an act made "ordaining that the bishop of Rome, called the Pope, have no jurisdiction nor authority within the realm in any time coming, and that no bishop, or other prelate of the realm, use any jurisdiction in time coming by the said bishop of Rome's authority, under the pain," &c.; which was afterwards ratified by several acts in the days of King James.

And thus by act of parliament the reformed religion is established, the church government by prelates is virtually discharged, because then prelates had no power but what they had from Rome, and when the current is cut off at the head it must needs cease in the streams. But this will be the more clear, if we consider how the reformers were dealing for the establishment of discipline together with the doctrine, knowing that the doctrine would not be long kept pure if the popish discipline and government were still retained; and upon this the great council giveth a charge, dated April 29, 1560, "Requiring and commanding them, in the name of the eternal God, and as they would answer in his presence, to commit to writing, and in a book deliver their judgments touching the reformation of religion, which heretofore in this realm (as in others) hath been utterly corrupted." According unto which charge the first book of discipline, as it was called (in which book the government of the church by prelates is overturned, church sessions are established, the way of election and trial of ministers, contrary to the episcopal way, is appointed, and several other things tending to the right governing of the church, are determined), is drawn up and presented to the council, May 20, 1560; whereupon there is an act of council to this effect: "We, who have subscribed these

presents, having advised with the articles therein specified, as is above-mentioned, from the beginning of this book, think the same good, and conform to God's word in all points, conform to the notes and additions hereto eeked; and promise to set the same forward to the uttermost of our power, providing that the bishops, abbots, priors, and other prelates and beneficed men, who else have adjoined them to us, bruik the revenues of their benefices, during their lifetimes, they sustaining and upholding the ministry and ministers, as herein is specified, for the preaching of the word, and administrating of the sacraments." And this act is subscribed by twenty-six noblemen, and among the rest by Mr Gordon, who was bishop of Galloway, and by the Dean of Murray. Spotswood, in his history, is so convinced that this book was directly against the prelates, that he saith, p. 174, "It was framed by John Knox, partly in imitation of the reformed churches of Germany, and partly of that which he had seen at Geneva:" neither of which churches did favour prelates.

It is true the late historian, the archprelate, would make the world believe that the superintendents which are spoken of in that book of discipline were nothing else but bishops; but his fond mistake in this will appear to any who will but consider these particulars: 1. What the thoughts were which this archprelate had of this book which treateth of those superintendents; as, (1.) That "it was framed by John Knox," and famous Knox, first nor last, was never a friend to prelates or Prelacy. (2.) He saith that it was done in imitation of reformed churches such as Geneva and those of Germany, and these churches knew no prelates. (3.) He saith "It was no better nor a dream, and so could never take effect;" but had it been an establishing of Prelacy, it had been no dream in his account, and he would have said that it had taken effect. (4.) He willed and wished that John Knox had retained the old policy, and so this book contained a policy distinct from the old policy, and a policy which was not the same with Prelacy. 2. What the thoughts were which such as were for the reformed religion had of it. Now they looked on it as the discipline of the ancient church, and therefore, after it was drawn up, they did supplicate the parliament for the "restoration of the disci-



pline of the ancient church, and for the discharging of the Pope's usurpation, and of all that discipline which did flow therefrom," as being inconsistent with the discipline of the ancient church, and with the discipline contained in that book. But, 3. It cannot enter into the heart of any rational man to think that these reformers were so inconsiderate as to set up prelates with the one hand when they were doing what lay in their power to pull them down with the other. It was not popish prelates alone which they were labouring to turn out of the church of Christ; for, when some of those who had been popish prelates before had relinquished Popery and embraced the reformed religion, and had subscribed unto the book of discipline, as Mr Gordon in Galloway, yet they would not suffer such to exercise the power of superintendents. Mr Gordon with all his money could not obtain that power, so that Spotswood, when he saith in his Latin pamphlet, called *Refutatio Libelli de Regimine Ecclesie Scoticanæ*, p. 4, and also in the epistle dedicatory, that "The former bishops who joined with the reformers kept still their full power and jurisdiction," bewrayeth his impudence and falsehood. His words in his epistle are these: "*Et præsulibus pristinis, modo fidei orthodoxæ non restitissent, nec adempta, dignitas, nec imminuta fuisset jurisdictio, quod ita liquet, ut hoc vel inficiare sit negare Solem in ipsa meridie, lucere;*" and in the book he saith, "*Quotquot autem a puriore cultu non abhorreant, iis jus utendi, fruendi Episcopatum fructibus et privilegiis omnibus, jurisdictio etiam, quam ante usurpabant, quatenus religionis incolumitas pateretur continuata.*" This is the height of impudency thus to avow palpable untruths; and that the faithfulness of this historian may for ever after be suspected, let it be observed, that in his history, which he wrote in English, and which every one might have more easily understood, and so discovered his falsehood, he durst say no more but that these bishops enjoyed the rents of their benefices; see p. 175. Moreover, 4. The book of discipline itself giveth the clear ground of their appointing of those superintendents in these words, "We consider, that if the ministers whom God hath endued with his singular graces amongst us, should be appointed to several places, there to make their continual residence, that then

the greatest part of the realm should be destitute of all doctrine, which should not only be the occasion of great murmur, but also be dangerous to the salvation of many; and, therefore, we have thought it expedient at this time——by this means the simple and ignorant, who perchance have never heard of Jesus truly preached, shall come to some knowledge, and many that are dead in superstition and ignorance shall attain to some feeling of godliness, by the which they shall be provoked to seek farther knowledge of God and his true religion and worship——and therefore we desire nothing more earnestly than that Christ Jesus be once universally preached throughout the realm," &c. From whence it appeareth that these superintendents were only chosen for that present exigent, when there were so few learned and able ministers, and so many places of the country destitute of ministers; so that the harvest was great and the labourers very few. Superstition and Popery were remaining in many places of the country, and people were in hazard to continue therein, having either no minister to clear the truth to them, or such only who were ready to harden them in their superstitious courses, and, therefore, there was a necessity at that time, while the church was but *in fieri*, that some of the most able of the ministry should be appointed to travel through such and such places of the country to preach the gospel, and to see to the planting of faithful and able ministers, according to the rules set down in the book of discipline. But, 5. So cautious were the reformers, that they would not acknowledge those to be bishops, either in name or thing; for as their work was extraordinary, so they gave them an extraordinary name: they would not suffer any who had been bishops before in time of Popery to enjoy the place and power of a superintendent, lest the power and place might be abused, and at length degenerate unto the old power of prelates; but even in those bounds where such lived, did appoint others to superintend, as Mr Pont in Galloway. They would not divide the bounds of those superintendents according to the prelates' dioceses, but after another manner. They divided the land into ten parts, having respect to the edification and advantage of the poor people. These superintendents were chosen by the consent of the whole bounds which they were to visit. They were not consecrated, but only

set apart to that work by preaching and prayer, as it is to be seen in the order prefixed to the old psalm-books. They were tried and examined by the ministers of these bounds. They had other ministers conjunct with them when they ordained any. Neither had they the sole power of excommunication; for reformed churches had power, by the book of discipline, to excommunicate the contumacious; and the tractate of excommunication prefixed to some old psalm-books, sheweth that they might do it without the advice of the superintendent. They were subject to the censure of the ministers and elders of the province, who might depose them in some cases. Their main work was preaching; for they were to preach at the least thrice every week. They had their own particular flocks beside, with which they stayed always, save when they were visiting the bounds committed unto them. They might not themselves try any minister, but were commanded to have the nearest reformed church, and other learned men conjunct, by an act of the fourth National Assembly, 1562. They might not transport a minister without the consent of the synod, as is clear by act fourth of the fifth National Assembly, 1562. They might not discuss any important question themselves, as is clear by act first of the ninth National Synod, 1564. All were at liberty to appeal from them to the National Synod, as is clear by act fifth, Assembly sixth. They were to be subject to the Assembly, as is clear by the fourth Assembly, 1562. They never did moderate in General Assemblies, unless they had been chosen by votes. Who can be so foolish, then, as to believe Mr Spotswood's saying in his History, p. 258, that "the power of superintendents was episcopal; for they did elect and ordain ministers, they did preside in synods, and direct all church censures; neither was any excommunication pronounced without their warrant," seeing the public acts of the National Assemblies are of more credit than this prelate, who knew as little what it was to be a faithful historian as he knew what it was to be an accurate logician? Beside that, at the National Assembly, 1562, there were some ministers chosen to assist the five superintendents (for no more could be got settled for want of maintenance) and had equal power with them, and were commanded to give account of their diligence unto every National Synod, and there to lay down

their office: and Mr Spotswood hath not the face to say that these commissioners had episcopal power; and yet their power was equal with the power of superintendents.

When the church had thus shaken off (so far as lay in her power) the yoke of Prelacy, she beginneth to exercise that power which Christ had given to her, and that same year, 1560, there is a National Assembly kept, which did make several canons concerning the ordering of the affairs of the church; and yearly thereafter, once or oftener *pro re nata*, according to, and by virtue of her intrinsic power, she did keep her courts, notwithstanding that, in the meantime, the queen and the court were but small friends to the protestant cause.

Anno 1564, the National Assembly did send some commissioners to the queen, to desire, among other things, "That no bishopric, &c. having more churches than one annexed thereunto, should be disposed in time coming to any one man; but that the churches thereof, being dissolved, should be provided to several persons, so as every man having charge may serve at his own church, according to his vocation."

Anno 1566, at the eleventh National Assembly, the second Helvetian confession of faith was presented, and approven in all points (except in the particular concerning festival days); by which confession Prelacy is accounted an human device, and no ordinance of Christ.

But Satan, envying the fair beginnings of this infant church, stirred up some of the statesmen against her, who, having possession of church rents, and prelates' benefices, and fearing to lose the same, did therefore devise a way for establishing themselves in the possession of those church rents, by getting in some Tulchan bishops (as they were called), who might have the name of the whole benefice, but rest contented with a small part to themselves, leaving the rest in the hands of these nobles; and, accordingly, the Earl of Morton stirred up the Earl of Marr, then viceroy, to convocate an Assembly at Leith, by the means of the superintendent of Angus, who, when they did meet, Jan. 12, 1571, did nominate six of their number to meet with six appointed by the council; and these twelve did condescend to several things tending to the setting up of prelates. And, according to these resolutions, the Earl of Morton get-

teth one Mr Douglas made bishop of St. Andrews, Mr Boyd, of Glasgow, Mr Paton, of Dunkeld, and Mr Graham, of Dunblane.

This was a very sad stroke ; but God did not leave that poor church in that case ; for within two months thereafter a National Assembly did meet, who, finding that these resolutions gave such offence, did appoint some of their number to examine the same ; but the acts of this Assembly were thereafter taken out of the registers. And, in August 1572, at the National Assembly, there was a protestation made against these innovations, and "that whatever condescension should be yielded unto, should be only for the interim, till a more perfect order might be obtained : " so at the Assembly in August 1573, it was decreed, that "bishops should have no more power than the superintendents had." Mr Paton of Dunkeld is accused for taking more, and Mr Gordon of Galloway is condemned. And in the next Assembly it is concluded that every bishop should be subject to the Assembly, and should confer no benefice without the advice of three ministers. Spotswood, the false historian, thought that, because of his silence, the world should never have gotten notice of this, which these Assemblies did of purpose to hem in the power of these prelates, whom the court was setting up with such violence, at such a time when they could do no more.

At length the day breaketh up clearer, and about the year 1575 the Lord stirreth up his servants, and putteth spirit and courage in them, so that in the Assembly it was debated whether these new bishops, superintendents, and commissioners, were an honour or a burden to the church. Mr John Durie protested that they should do nothing in prejudice of what he and many other brethren had to object against their office. Mr James Lawson did second this, and moved the debate touching the lawfulness of the office itself. Mr Andrew Melville affirmed, "that none ought to be office-bearers in the church whose titles were not found in the book of God ; and for the title of bishop, albeit the same was found in Scripture, yet was it not to be taken in the sense that the common sort did conceive ; there being no superiority allowed by Christ amongst ministers,—he being the only Lord of his church, and all the same servants, in the same degree, having the like power." These beginnings the Lord

was pleased to second with his blessing, that when it was moved by the regent, whether they would stand unto the policy agreed upon at Leith, or settle some other form of government, it was resolved that a constant form of church policy should be set down ; and, for this effect, they nominate twenty of their number to meet at several times and places for the drawing the model thereof. And, accordingly, after some pains, the second book of discipline is finished, and, at the General Assembly, 1577, sess. 13, approved in all points, except that touching deacons, which was referred to further debate ; but, *anno* 1578, that head, with the rest, was approved by the unanimous consent of all, though Spotswood will not let the world know so much.

When this second book of discipline is thus approved by the National Assembly, after prayer and fasting, they appoint some of their number to exhibit it to his Majesty, to the end he might add his approbation thereunto. Unto whom the king (being then about thirteen years of age) did promise "that he would be a proctor unto the church ;" and caused some of his counsellors confer with those ministers upon that business (the heads of which conference were once insert in the registers of the Assembly, but, *anno* 1584, when the court had power of the registers, those leaves were taken away, and seen no more, as shall be cleared hereafter) ; and again, *anno* 1579, the king wrote unto the National Assembly, desiring "a farther consultation upon the heads on which his commissioners and their delegates did not accord last year, to the end that, when all the particulars are fully agreed upon, they might be approved in the ensuing parliament." And in the meantime the Assemblies are going on, prohibiting any more bishops to be chosen, and ordaining such as were chosen to submit themselves to the determination of the General Assembly, under the pain of excommunication ; and, accordingly, some then, and all of them afterward, did submit. So, *anno* 1580, they ordained that all who were called bishops should demit *simpliciter*, because that office had no warrant in the word ; and they ordained provincial synods to call before them such bishops as lived in their bounds, and ordain them to give obedience to this act. His Majesty's commissioners, who were present at this Assembly of Dundee, did concur with this Assembly in ap-

pointing some of their number to consult about the model of the presbyteries.

In this same year, in the month of March (for as yet the new year did not begin until the 25th of March), is the national covenant solemnly taken by the king, his council and court, and afterwards by the inhabitants of the kingdom; in which covenant Prelacy, under the name of "Romish hierarchy," was abjured, as shall be cleared in due time, and the doctrine and discipline of the church was sworn to be defended.

Anno 1581, in April, at Glasgow, the General Assembly did insert the book of discipline in their registers, and did show how the act touching bishops, made at Dundee, anno 1580, did condemn the estate of bishops as they were then in Scotland. Unto this Assembly his Majesty's commissioner, William Cuninghame of Caprintoun, presented the confession of faith, subscribed by the king and his household, as also a plot of the presbyteries to be erected, mentioning their meeting places, and appointing the several parishes which should belong to such and such presbyteries, with a letter to the noblemen and gentlemen of the country, for their concurrence for the erection of presbyteries, and dissolution of prelaties, and, in his Majesty's name, he promised that his Majesty would set forward the policy, until it were established by parliament; and thus presbyteries began to be erected throughout the kingdom.

This was a sweet sunshine, but it was followed with a very sad shower, for when Esme Stuart of Aubigne, afterward Duke of Lennox, obtaineth, by the death of the Earl of Morton, who was executed, and the banishment of the Earl of Angus, the superiority of Glasgow, and other things, to secure the same to him and his posterity, he agreeth with Mr Robert Montgomery, minister at Stirling, to accept of the bishopric, and to dispoise to him all which belonged to that bishopric for the yearly payment of one thousand pounds Scots, and some horse corn, and poultry, which, when the church heareth, he is summoned before the Assembly at St. Andrews, and commanded to leave the bishopric under the pain of excommunication; and the presbytery of Stirling is appointed to take notice of his carriage in doctrine and discipline; for they had found him guilty in fourteen or fifteen points: but he went on; and, notwithstanding the presbytery had

suspended him from the exercise of the ministry, he procured an order the presbytery of Glasgow to receive him as their bishop under the pain of banishment; and, with a company of armed soldiers, entered the church and pulled Mr David Weemes out of the pulpit; and, being summoned to compare before the synod of Lothian, the king causeth summon all the synod to compare before him at Stirling the 12th of April. Mr Pont, and some others compeared, in name of the rest, and protested "that albeit they had compeared to testify their obedience to his Majesty, yet they did not acknowledge him or his council judges in that matter, which was an ecclesiastic cause, and that nothing done at that time should pre-judge the liberties of the church." But the council rejected the protestation, and discharged them to proceed any further. And shortly thereafter, when the General Assembly is examining his process, the king sendeth a letter to them, discharging them to proceed any further, and when they went on notwithstanding, they are charged by a messenger of arms to desist under the pain of rebellion; but they, thinking it better to obey God than man, ordained Mr Montgomery to compare before them the next day, who compeared not,—only a proctor in his name appealed unto the king. The Assembly did reject the appellation, and proceeded to examine the libel given in against him, and, finding him guilty of many heinous crimes, they ordain him to be deposed and excommunicated; but ere the sentence be pronounced, they appoint some of their number to acquaint his Majesty with their whole procedure. And, ere long, Mr Montgomery submitteth, passeth from his appellation, acknowledgeth his faults, and professeth repentance, with such solemn obtestations as affected the whole assembly. Upon this the sentence is delayed, and the presbytery of Glasgow is appointed to advertise the provincial synod of Lothian (who were ordained to excommunicate him) in case he relapsed; and, as they feared, so he returned to his vomit, and with violence intended to enter the pulpit. And when the presbytery, according to the appointment of the General Assembly, were beginning a process against him, the Laird of Minto, provost of the town, presented a warrant from his Majesty to stay the process; and, when they were going on, he pulleth forth Mr John Howie-

son, minister at Cambuslang, moderator, and imprisoned him in the Tolbooth. But for all this Mr Montgomery is excommunicated by Mr John Davidson, and the same was intimated in all the churches. The council declareth the sentence null. Against this the ministers of Edinburgh give open testimonies in their preaching; and for this cause they are commanded to remove out of the town within the space of twenty-four hours. At this time there was an Assembly sitting at Edinburgh, who send some of their number with a supplication to his Majesty, wherein they show, "That, indeed, he was the head of the commonwealth, but only a member of the church; and, as a chief member, he should have the chief care thereof; but now it was not so,—their decrees are rescinded, they are forced by his servants, ministers are drawn out of pulpits,—that he was playing the pope, and usurping both the swords." And when they come and present it unto the council, the Earl of Arran crieth out, If there were any that durst subscribe the same. Whereupon Mr Andrew Melville answereth, We dare; and, taking a pen out of the clerk's hand, saith to his brethren who were commissioned with him, "Come forward;" and so he and they did subscribe the same.

This storm is not yet blown over; for the next year, 1583, Mr Andrew Melville is summoned before the council for saying in his preaching, "That ministers should present to princes the example of their predecessors, as Daniel did the example of Nebuchadnezzar to Belshazzar; but now, if any should hold forth what evil King James III. got by a company of flatterers, it would be presently said that he had gone from his text, and must be accused of treason." But when he compeareth, he declineth their judgment, affirming, that what was spoken in pulpit ought first to be tried by the presbytery; and that they could not *in prima instantia* meddle therewith. But they proceed, and though they could get nothing proven for his declining, he is commanded to the castle of Edinburgh, and then to Blackness; but being advertised of his danger by his friends, he retireth unto Berwick.

Anno 1584, the storm groweth to a height; for in May there is a parliament suddenly convened, which dischargeth all church judicatories, giveth the king power over all causes, civil and ecclesiastic, and

dischargeth all declining of the king and his council in any matter, civil or ecclesiastic, under the pain of treason; and also all ministers to meddle in sermons with the affairs of his Highness and his estate, see act 129, 130, 131, and 134, of the 8 parl. of King James VI., when Mr David Lindsay, minister at Leith, was sent for by his brethren to entreat the king to pass no act in prejudice of the church, he is committed to Blackness, and there detained prisoner forty-seven weeks. And Mr Andrew Polwart, Mr Patrick Galloway, and Mr James Carmichael, are denounced rebels, and forced to flee into England: so are the ministers of Edinburgh forced to retire, leaving an apology behind them. But for all this, when the acts of this parliament were publishing, Mr Robert Pont protested, taking instruments, that the church should not be obliged to yield obedience thereunto, and, being denounced rebel, he fleeth into England. Now is Mr Montgomery established bishop of Glasgow, and one Mr Adamson (as naughty and vicious as any) is settled in St. Andrews; and no sooner get they up their head but as soon they execute their tyranny, and rage against the rest of the ministry,—compelling them to promise obedience to them, as their ordinaries, under the pain of banishment, confinement, imprisonment, deposition, and sequestration of their stipends. Whereupon many, in this day of trial, did faint and subscribe, thinking it a sufficient *salvo* to add, "according to the word of God;" but afterward mourned for it. Now none durst pray for the ministers who had fled, under the pain of treason: so dark a day was this.

But near the end of the next year there is a change at court, and the ministers return. A parliament is called at Linlithgow; but nothing is done in favour of the church. At length, anno 1586, the king was desirous to have some settling in the church; and appointeth a conference, in February, at Holyrood House, where some articles were drawn up, and referred to the General Assembly: As, 1. That the bishop should have a care of one flock; 2. That some ministers should be added to him, without whose counsel he should do nothing; 3. His doctrine should be examined by the meeting; 4. His power should be of order, and not of jurisdiction; 5. Beside his own church he might have the inspection of more. When the Assembly meeteth in

this period, notwithstanding of much opposition which was made thereunto by men of corrupt principles, wicked lives, and who loved not to part with the church rents,—the sweet morsel which they desired always to enjoy;—and now is the church there become a shining church, being reformed both in doctrine and in discipline; now is she become a pleasant vineyard, well-dressed and hedged round about, and defended from the wild boars of the forest. King James himself was convinced of this, when he gave this reason to an English divine why that church was not troubled with heresy, namely, “Because if it spring up in a parish there is an eldership there to take notice of it, and suppress it; if it be too strong for them, the presbytery is ready to crush it; if the presbytery cannot provide against the obstinate, he shall find more witty heads in the synod; if he is not convinced there, the General Assembly will not spare him.” Yea, seldom or never did any error trouble all those courts; for usually it was crushed by presbyteries, except what some bishops did maintain. And thus that church was indeed as an army with banners, and terrible to the adversaries of the truth. Then were there endeavours to have a thorough work of reformation carried on; the iniquities of the land were searched out; corruptions in ministers, and other ranks of people, were taken notice of; effectual courses were laid down for preventing such abuses in time coming; public fasts were indicted, and kept whole eight days together. And thus the Lord created “upon every dwelling-place of Mount Zion, and upon her assemblies, a cloud and smoke by day, and the shining of a flaming fire by night; for upon all the glory was a defence,” Isa. iv. 5.

But this fair summer sunshine did not long last. The infinitely wise God saw it fit to bring that church into a wilderness again, and to cause her to meet with a dark, dreadful, and long-lasting winter night. Satan stirreth up Papists upon the one hand, who saw that if this hedge of discipline were kept up, they could not enjoy the liberty and peace they desired; and profane politicians and courtiers upon the other hand, who saw that by this discipline their licentiousness would be curbed, to bestir themselves against this established discipline; and, accordingly, they use their power with the king, and at length prevail to get him to oppose the discipline, and to prose-

cute that design, piece and piece, till at length prelates were established in all their power, as the following discourse will clearly evince.

When, *anno* 1596, the popish lords who had conspired with Spain against the country, and had been on that account banished, namely, Huntly, Arrol and Angus, were called home, the church saw religion in danger; and ordained that particular flocks should be advertised thereof, and indicted a fast, and appointed that some out of each presbytery should concur with the presbytery of Edinburgh in considering of the most expedient way for securing of religion. And now, because the church would not consent unto the king's calling home those popish lords, he is stirred up by his popish courtiers against the church, and encroacheth daily more and more upon her liberties. For Mr D. Black, minister at St Andrews, is cited before the council for some alleged expressions in his sermon. The ministry, seeing that the spiritual government of the house of God was intended to be quite subverted, thought it best that he give in a declination, and therein show, “That though he was able to defend all that he spoke, yet, seeing his answering to that accusation before them might import a prejudice to the liberties of the church, and be taken for an acknowledgment of his Majesty's jurisdiction in matters merely spiritual, he was constrained to decline that judicatory: 1. Because the Lord Jesus had given to him his word for a rule; and so he could not fall under any civil law, but in so far as he should be found, after trial, to have passed from his instructions,—which trial belongeth only to the prophets. 2. The liberty of the church and discipline presently exercised was confirmed by divers acts of parliament; and the office-bearers were now in peaceable possession thereof.” And this he did, and a copy hereof was sent through the presbyteries, to see if they would own the same; and in testimony of their cheerful and hearty owning thereof, it was subscribed by three or four hundred ministers. This displeased the king so, that he, by open proclamation, commanded the commissioners of the church to depart out of Edinburgh, within twenty-four hours, under the pain of rebellion; but notwithstanding of this they resolve to stay, and to see that the church privilege should not be wronged, and send some of their number to

speak to his Majesty, unto whom he answered, That if Mr Black would pass from his declinature, or if they would declare that the declinature was not a general, but only a particular one, used in Mr Black's case alone, as being a cause of slander, and pertaining to the judgment of the church, he would pass from the pursuit of Mr Black. But, after consultation, the commissioners resolved to adhere unto the declinature, unless his Majesty would pass from the process, and remit the same unto the church judicatory; and would make an act of council, declaring that no minister should be charged for his preaching, &c. Whereupon the king charged the commissioners of new to depart, and caused cite Mr Black unto the last of November; and withal dischargeth all barons, gentlemen, and others, to meet with ministers in their church assemblies without his license. When the day of Mr Black's comparance cometh, the commissioners present a supplication, desiring them to remit the question unto the judge competent; but the council goeth on; and therefore they protest that the process in hand, and whatsoever followed thereupon, should not prejudice the liberty of the church in matters of doctrine. Afterward the king sendeth unto the commissioners, showing he would be content with Mr Black's simple declaration of the truth; but worthy Mr Bruce answered, "That if the matter did touch Mr Black alone, they were content: but the liberty of Christ's kingdom had received such a wound by the proclamations published the last Saturday, and that day, by the usurpation of the council, that if Mr Black's life, and the life of twenty others had been taken, it had not grieved the hearts of the godly so much; and that either these things behoved to be retreated, or they would oppose so long as they had breath." Then the king condescended to publish, by a declaration, that he would not diminish any lawful power, or liberty which they or their assemblies had, either by the word of God or laws of the land; and that the proclamation discharging barons and others to meet with ministers was only meant of their meeting in arms; and that the interlocutor of the council should not be used against Mr Black or any other minister, until a lawful General Assembly, providing that Mr Black would declare in his presence the truth of the points libelled before some ministers. But afternoon found

the king's mind changed; and because Mr Black would not acknowledge an offence, he is condemned by the council, and his punishment is remitted to the king; and till his pleasure were known, he is confined. Then there is a bond devised to be subscribed by all the ministers, under the pain of the loss of their stipends. The tenor whereof followeth:—

"We, the pastors and ministers of God's word undersubscribing, humbly acknowledging our duty to God, and obedience to the king, our sovereign lord, whom, for conscience cause, we ought to obey, confess that his Grace is sovereign judge to us, and each one of us, in all causes of sedition, and treason, and other criminal and civil matters, and to all our speeches which may import the said crimes, albeit uttered by any of us publicly in the pulpits (which God forbid) or in any other place; and that the said pulpits, nor any other place whatsoever, hath not that privilege and immunity to be occasion or pretence to any of us, of declining of his Majesty's judgment in any of the said civil or criminal causes, intended against us, in any time coming; but rather that our offence is the greater, in case (which God forbid) any of us commit such crimes in the said pulpits, before the people, where the word of God's truth and salvation should be preached by us to our flocks. In witness whereof, and of the humble acknowledgment of our duty in the premises, we have subscribed these presents with our hands, and are content that the same be registrate in the books of secret council *in futuram rei memoriam*."

But faithful ministers refused, upon all hazards, to subscribe the same, seeing that it was a crossing of their declinature, contrary to the acts of the General Assembly, and to the acts of parliament made in favour of the church, yea, and to the word of God, because by this bond they should have acknowledged the king to be both supreme and only judge over ministers in all causes, and so to have power of judging and deposing them; yea, and of judging and trying their preaching, if it be but coloured with treason and sedition, and of schism in the church, which is sedition; and seeing thereby they should be bound up from faithful dealing in the name of the Lord; and because they saw it was devised of purpose as a snare to their consciences.

After this, anno 1596, the king driveth

on his design, and indicteth an Assembly at Perth, and formeth fifty-five problems, by which the discipline of the church, formerly established, was questioned, to be there debated (these problems, with the following history at more length, are to be seen in the history penned by reverend and laborious Mr Petrie, and therefore a short relation shall suffice here); and, being persuaded by his courtiers that he should never gain his purpose till first he took some course to break the union of the church, he prevailed with Mr Patrick Galloway and Mr James Nicolson, who had been chief a little before in advising Mr Black to decline; and causeth Sir Patrick Murray deal with the ministers of the North to subscribe the bond, and to choose such and such persons to the meeting at Perth. And when the time of meeting cometh, these commissioners from the North were seen going in companies to the king, and Mr Nicolson was with the king till midnight. They were for all this two days in debating whether they were a lawful General Assembly; but honest men protested against it. The meeting at length condescendeth to those particulars: 1. That no minister should reprove his Majesty's laws, acts, or ordinances, until such time as first he had, by advice of presbytery, synod, or assembly, complained or sought remedy of the same. 2. That none should be named in pulpit, except the fault were notours by the persons being fugitive, convicted by an assize, excommunicated, contumacious after citation or lawful admonition; and none should be rielie described, except by public vices, always damnable. 3. That there should be no summary excommunication. 4. That there should be no meetings among ministers except in church judicatories. And afterward they appoint fourteen of their number to reason upon the rest of the questions.

The next year, *anno* 1597, there is another Assembly at Dundee, which, being corrupted, doth grant, 1. That ministers in their exercises at presbyteries should make no application of doctrine; 2. That presbyteries should meddle with nothing but what, without all question, is ecclesiastical; 3. That summary excommunication be suspended; and, 4. That presbyteries should desist upon his Majesty's desire. Also, at the king's desire, they chose fourteen of their number, giving power to them, or any seven of them, to advise with his Majesty about a way of

settling stipends unto ministers, to provide ministers to eminent places of the country, to present petitions and grievances of the church to his Majesty, and to give his Majesty advice in matters serving for the good of the church. These pretxts seemed plausible to many, but the event will show what was really intended; for, ere long, these commissioners, as they were called, encroach upon the power of presbyteries and synods; and, whether the presbytery of St Andrews would or not, did put both Mr Wallace and Mr Black from the church of St Andrews, and put in one Mr George Gladstone; and then, at their own hand, they did supplicate the parliament, which convened in December: That ministers, as representing the church in the third estate of the kingdom, might have liberty to vote in parliament (an evil under which the church had been groaning before of a long time). The parliament thinking (but without ground) that the ministers would never take upon them the titles of the former prelates, passed this act.

That such ministers as his Majesty should be pleased to provide to the place, title, and dignity of a bishop, abbot, or other prelate, should have that liberty; and, as concerning their office in the spiritual policy of the church, it was remitted to be advised by his Majesty, and agreed upon with the General Assembly; and that without prejudice of the spiritual jurisdiction and discipline of the church permitted to General Assemblies, synods, presbyteries, and sessions, and established by law. Then they move the king to call an Assembly at Dundee before the time appointed, to the end they might get their own deed approven; where, after much work, and after many threatenings to some, and promises to others, made by the king himself (who was there present, and had commanded Mr Melville and Mr Johnston, professors of theology in St Andrews, forth of the towns, under the pain of banishment), their deed is approven. But zealous and faithful Mr Davidson arose and protested in his own name, and in name of all the ministers of Scotland who would adhere to his protestation, against that Assembly, and the two last preceding Assemblies, as null, and not lawful; and when he removed, several of the ministers followed him and subscribed the same. The meeting went on and renewed the former commission unto twenty commissioners, whereof nine should be a quorum, among whom was Mr James



Nicolson, Mr George Gladstone, Mr David Lindsay, Mr Alex. Lindsay, Mr Andrew Knox, Mr Gavin Hamilton, and Mr Alex. Douglas (whom the king by any means would have named), who were all bishops afterward. Thereafter there were several meetings, as one at Falkland, July 29, 1598, where were some debates about this matter, and some cautions condescended on, limiting these parliamentary ministers to propone nothing without express warrant from the church; to be accountable to the General Assembly, and subject to their presbytery and synod; to usurp no power of jurisdiction or ordination, but every way else to carry themselves as other ministers, and the like. And to all these, and other points necessary, they were bound to swear and subscribe. But how little regard was had to these cautions, sworn, and subscribed, may be seen by what Spotswood saith in his history, p. 453, namely, "That it was neither the king's intention, nor the minds of the wiser sort, to have these cautions stand in force; but to have matters peaceably ended, and the reformation of the policy made without any noise, they gave way to these conceits." So was there another meeting at Holyroodhouse in November 1599; but in all these meetings the honest party could prevail nothing, the king did so violently carry on his purpose.

Anno 1600, there is a General Assembly at Montrose, where the matter is again debated, but no answer made to the arguments of the honest party,—only the king's authority is made use of as an answer to all. And so at length, what by menaces, what by flatterings made by the king himself, who was there present, the former resolutions are concluded,—only they allow of the cautions condescended on at Falkland, and will have these parliamentary ministers to give an account yearly unto the General Assembly, and lay down their commission. But these commissioners, or parliamentary ministers, being mounted up so high, thought it below them to stand to any promise or condition, having never resolved so to do, as we have heard out of Spotswood, who, in his Latin pamphlet, called *Refutatio Libelli*, &c., saith also the same: "*Conditiones quod attinet, quas fœde violatas clamat, in nonnullas, utpote æquas et justas facile assensum, aliæ pro tempore magis, quo contentiosis, omnis rixandi ansa præriperetur, quam animo in perpetuum ob-*

*servandi, acceptæ*,"—That there were some of these cautions which they never intended to keep, only they did accept of them, that more peaceably they might be put in possession of that which they were gaping for. Thus it is undeniable that these men arose to Prelacy by open and avowed perjury, as their successors of late have done.

Anno 1601 and 1602, the assemblies follow forth his Majesty's design; for there was a complaint given in by the synod of Fife against these parliamentary ministers, as breaking all bounds and cautions; but they are not heard. That Assembly, 1602, do indict their next meeting at Aberdeen, in July 1604; but the parliamentary ministers, fearing that they should be called to an account, move the king to prorogue the same unto July 2, 1605; yet the commissioners from St Andrews presbytery, namely, Mr James Melville, Mr William Erskine, and Mr William Murray, went to Aberdeen the day appointed, and presented their commissions, taking instruments in the hands of two public notaries before some ministers of the town and others. When the next diet, anno 1605, was approaching, they move the king to prorogue again the Assembly unto an indefinite time; and therefore, from London, he sendeth to the commissioners to stay the meeting of the Assembly until he gave advertisement; whereupon they write to several presbyteries in the south parts, advising them not to choose commissioners to meet at Aberdeen the 5th day of July (of purpose to deceive them concerning the day, which was the second and not the fifth; that so such as would meet the second day, being so few, might easily be moved to dissolve before the rest came, who would intend only to keep the fifth day). But the honest party, perceiving how their liberties were now in danger, did resolve to meet at Aberdeen; and, accordingly, there cometh from parts near by some against the second of July, unto whom Laurieston, his Majesty's commissioner, presented a letter from the council, and desired an answer. They replied that they behoved first to constitute themselves; and, after he had withdrawn, they chose a moderator and clerk, and then read the letter, wherein there were two things desired: first, That they would dissolve the meeting; and next, That they would appoint no other day until his Majesty were advertised. As to the first they answered, That they were

ready to dissolve the meeting, there being so few present; to the next they answered, That if Laurieston, as his Majesty's commissioner, would name a day, they would agree thereto; if not, they behoved to preserve their liberty. And so, seeing Laurieston refused, they appointed the next Assembly to be at Aberdeen the last Tuesday of September, and advertised presbyteries thereof. When Laurieston seeth this, he protesteth against them as no lawful General Assembly, and giveth his reasons, which were answered, and they protest to the contrary; and thereupon, by a messenger of arms, he chargeth them to depart, under the pain of treason; and because, as he alleged, he had discharged them the night before by open proclamation, at the market-cross, to convene under the pain of treason, he causeth denounce them rebels. Whereupon, in September, Mr Welsh and Mr Forbes were imprisoned by the council in Blackness, and, in October, others were incarcerated. In the meantime there is a declaration dated at Hampton Court, September 26, indicting an Assembly at Dundee the last Tuesday of July next. Now the imprisoned ministers petitioned that the trial of that General Assembly might be referred to the indicted Assembly at Dundee, but are not heard; and therefore, when they are sisted before the council, October 24, seeing that certainly the Assembly would be condemned, they give in this declinature following: "Please your Lordships, the approbation or disallowance of a General Assembly hath been, and should be, a matter spiritual, and always cognosed and judged by the church, as judges competent within this realm, and seeing we are called before your Lordships to hear and see it found and declared, that we have contemptuously and seditiously convened and assembled ourselves in a General Assembly, at Aberdeen, the first Tuesday of July last, and the said Assembly to be declared unlawful, as at more length is contained in the summons executed against us, we, in consideration of the premises, and other reasons to be given in by us, have just cause to decline your Lordships' judgment, as nowise competent in the cause above specified; and by these presents we, *simpliciter*, decline the same, seeing we are most willing to submit ourselves unto the trial of a General Assembly, which is only the judge competent." When the king heareth of this declinature, he sent

down directions to the council to proceed against them according to the laws; and sent down the Earl of Dunbar for that effect. Whereupon six of them, namely, Mr John Forbes, Mr John Welsh, Mr Andrew Duncan, Mr John Sharp, Mr Robert Dury, and Mr Alexander Strachan, are indicted of high treason, upon the act of parliament, 1584, and sisted before an assize at Linlithgow; and what by illegal procedures and threatenings, with fair promises, used by the Earl of Dunbar unto the assizers, some of whom were his own near kinsfolk, and particularly by assurances that the king would not take their life, they are declared guilty of treason by nine of the fifteen assizers, and so sent back to their prisons. Then doth the king send for Mr Andrew Melville, Mr James Melville, Mr James Balfour, Mr William Watson, Mr William Scott, Mr John Carmichael, and Mr Adam Colt, and detaineth them long at London, seeking to entangle them with questions; and at length Mr Andrew Melville is imprisoned in the tower, till the Duke of Bologne, three years thereafter, procureth liberty to him to go with him. Mr James Melville, who dieth at Berwick, and the rest, are confined to several places of the country. While these ministers are at London, the king signifieth his mind that the six condemned ministers should be banished out of his dominions, and the other eight should be confined as followeth, namely, Mr Farme in Bute, Mr Monro in Kintyre, Mr Youngson in Arran, Mr Irvine in Orkney, Mr William Forbes in Zetland, Mr Gray in Caithness, Mr English in Sutherland, and Mr Rose in Lewis.

In this same year, 1606, there is a parliament convened in July, which acknowledgeth his Majesty's "sovereign authority, princely power, royal prerogative, and privilege of the crown, over all estates, persons, and causes;" and promiseth to "maintain the same with their lives, lands and goods;" and restoreth the bishops to their "ancient and accustomed honour, dignities, prerogatives, privileges, livings, lands, teinds, rents, thirds, and estates;" and rescindeth the act of annexation. Unto this parliament the commissioners from synods and presbyteries "gave in a protestation, desiring them to keep within their due bounds, and reserve unto the Lord that glory, which he will communicate neither to man nor angel, namely, to prescribe from his holy moun-

tain a lively pattern, according to which his own tabernacle should be framed; and that they would not bring into the kirk of God the ordinance of man, which hath been found the ground of much evil, and of that antichristian hierarchy: that they would not build Jericho again, contrary to their oath and subscription, nor suffer that estate of bishops to arise; which they offered to prove to be against the word of God, the ancient fathers and canons of the church, the modern most learned and godly divines, the doctrine and constitution of the church of Scotland, the laws of the realm, the weal and honour of the king's Majesty, the peace and quietness of the realm, and the weal of all and every one of the subjects; and then, in the name of the church in general, and of their presbyteries, and in their own name, and of all other pastors, for discharging of their duty and consciences, they did protest against bishopry and bishops, and against the erection, confirmation, or ratification thereof,—requiring the same to be registered.” This protestation was subscribed by many ministers, and, among others, by Mr Adam Bannatyne, Mr John Abernethy, and Mr William Cowper, who afterward became bishops themselves.

When prelates are thus advanced to their civil dignities, there are ways essayed for advancing them in their spiritual power; and this same year there is an Assembly indicted at Linlithgow, the 10th of December; but only some presbyteries, in whom the king confided most, were advertised hereof; and the business was carried so closely, that the moderator of the last Assembly knew nothing of it. Here, after some debate, the overture propounded by his Majesty in his letter, namely, That there should be constant moderators in presbyteries chosen, and that where the bishops did reside they should moderate, both in synods and presbyteries, is concluded, and some cautions added, but to no purpose; for there was a clause annexed which did cast all loose, namely, “That if, either upon his Majesty's advice and proposition to the Assembly, or upon their own supplication, the General Assembly were moved to grant a relaxation of any of the caveats, that then their promise should make no derogation to their liberty.” Synods and presbyteries refused to own this act; but at length were charged to obey under the pain of treason.

Anno 1608, there was another Assembly

at Linlithgow, July 26, but did no good; thereafter there were some conferences at Falkland and Stirling, but to no purpose,—the intended business was still carried on.

Anno 1610, July 6, there is a meeting at Glasgow, unto which resorteth all the constant moderators, who had their hundred pounds per annum: and they bring with them other two ministers, such as they liked, and whom the king desired by his letters. The king had three commissioners there. The Earl of Dunbar was sent thither with a strong guard to affright the ministers, so as several ministers coming out of the west with a purpose to protest, were forced to return back again. There was also money brought thither to hire votes. Mr Spotswood saith it was to pay the constant moderators' due. But Mr Lauder, in Coberspath, was no moderator, and yet he came to the Earl and complained, that “though he travelled farthest, and had least to live upon, and though his vote was as good as the best, yet he was neglected.” To whom the Earl replied, That he was too late in coming; and, asking his purse-master what was left, he findeth there was nothing but seventeen shillings sterling to give him: “Come (saith Mr Lauder), let me have it; it will help to bear my charges homeward.” And the *non liquet* got nothing. At this corrupt meeting it is concluded, 1. That the induction of all General Assemblies belonged to the king by the prerogative of his crown, and without his license all such meetings were unlawful. 2. That synods should be moderated by the prelates, or some appointed by them. 3. No excommunication or absolution without the bishop's approbation and direction, who is answerable to God and to his Majesty for his proceedings. 4. All presentations must be directed to the prelates. 5. That he, with some associated, should silence and depose ministers. 6. That every minister at his entry should swear obedience to his Majesty, and to his ordinary, as it was ordained 1571. 7. If any minister absent himself from the bishop's visitation he shall be suspended, and if he amend not, deposed. 8. That the exercises (or *quondam* presbyteries), should be moderated by the bishops, or whom they will appoint. And, 9. That no minister speak against any of the foresaid acts in public, nor dispute about the equality or inequality of ministers.

This year also was the High Commission

instituted and proclaimed by a herald, giving power to the archbishops to depose, excommunicate, imprison, fine and confine, for causes ecclesiastic, whether in doctrine or manners, whether in noblemen, ministers, or common people.

When the meeting at Glasgow is dissolved, Mr Spotswood of Glasgow, Mr Lamb of Brechin, and Mr Hamilton of Galloway, go to London, and there are consecrated the 21st of October, and when they return, they consecrate the rest; and then all of them domineer over the people, and over the faithful ministers.

Anno 1612, a parliament convened, which ratified all the acts of that meeting at Glasgow, and inserted in their registers the oath which every minister at his admission was to swear, thus,—

“I, A.B., admitted to the kirk of D., testify and declare in my conscience, that the right excellent, right high, and mighty prince, James VI., by the grace of God king of Scotland, &c., is the only lawful supreme governor of this realm, as well in matters spiritual and ecclesiastic as in things temporal; and that no foreign prince, state, nor potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. And therefore I utterly renounce and forsake all foreign jurisdiction, power, superiorities, and authorities, and promise that from this forth, I shall and will bear faith and true allegiance to his highness, his heirs and lawful successors; and to my power shall assist and defend all jurisdictions, privileges, pre-eminences and authority, granted and belonging to his highness, his heirs and lawful successors, or united and annexed to his royal crown. And further, I acknowledge and confess to have and to hold the said church, and possession of the same, under God, of his Majesty and his crown royal of this realm. And for the said possessions I do homage presently to his highness in your presence, and to his Majesty, his heirs, and lawful successors, shall be true. So help me God. And also I, A.B., now admitted to the church of C., promiseth and sweareth to E.F., bishop of that diocese, obedience, and to his successors, in all things lawful. So help me God.”

Anno 1616, there was a meeting of the ministers at Aberdeen, appointing that a book of common prayer be made, and that

children should be confirmed by the bishops, or visitors in their name.

But the year before this, the former commission, for the high commission was renewed, and instead of the two courts in the two provinces of St Andrews and Glasgow, there is one appointed, consisting of fifty-five or fifty-six, one of the archbishops is *sine quo non*, and he and other five may do all. Such as refuse to compare are sisted by force, by the sheriffs, and other magistrates. They meddle with blasphemy, heresy, schism, error, idolatry, simony, lottery, absence from the liturgy on holidays, perjury, incest, adultery, fornication, rapes, clandestine marriages, striking of clergymen, speaking against their meetings. They have power to excommunicate, silence, depose, fine, imprison, and confine as long as they please, and the secret council must pursue the contumacious as rebels.

Anno 1617, a parliament conveneth, at which the king himself is present, and maketh an act, “That whatsoever his Majesty should determine in the external government of the church, with the advice of the archbishops, bishops, and a competent number of the ministry, should have the strength of a law.” When the honest ministry hear of this, and see thereby a door opened for bringing in all the English popish ceremonies, they give in a protestation against the same; which, when the king heareth, he causeth the clerk pass by that act when he was to read all the rest. And now the king is violent for the ceremonies, and chideth the archbishops for not receiving the five articles, as he commanded the former year: and they promise to do it if he would indict a General Assembly. And upon Mr Galloway’s undertaking, the king indicteth a meeting at St Andrews, Nov. 25, 1617. At this Assembly no more could be got yielded to but private communion, and that ministers should give the elements in the Lord’s supper out of their own hands to each communicant. But all this did not satisfy his Majesty, and therefore he wrote sharp letters to the archbishops, and commanded them to preach on Christmas day, and to celebrate the Lord’s supper with all the solemnities.

Anno 1618, there is another meeting called at Perth, August 25, unto which the king sent seven noblemen, and fifteen barons and gentlemen. Spotswood took upon him to moderate, and read the king’s me-

nacing letter, and named a committee for the articles,—nothing regarding the liberty of the Assembly, to gratify the king. The honest party offered reasons both for a delay and against the ceremonies, but all in vain: Spotswood told them that he would send all the names of such as refused unto the king; and asked the votes of many who had no commission, and so obtained what he desired; for all accorded unto the five articles; namely, *kneeling at the communion, private communion, private baptism, observation of holidays, and confirmation of children*, except one nobleman, one doctor, forty-five ministers. But when the honest party looked back to the many informalities at this meeting: 1. No lawful premonition, but only twenty days, by which means many were absent; 2. No liberty to chose a moderator; 3. No free disputing or voting, but members overawed; 4. The Assembly prelimited by the votes of the articles; 5. Such as wanted commissions did vote, and others who had commissions were not suffered to vote, &c.,—they looked upon it as no lawful General Assembly, and published their reasons in print.

After the dissolving of this meeting, Spotswood, to make all sure, ratifieth all these things in the High Commission; and though he and others had said, that if they would give way to the passing of the act to humour his Majesty, no man should be compelled to obey, yet now, by the power of their High Commission, they force many to obey, under the pain of deposition, imprisonment, and confinement, and so they rage without all law.

But at length, anno 1621, “there is a parliament convened, unto which the honest ministers give in a supplication for safe liberty to enjoy the true religion, as reformed in doctrine, sacraments, and discipline, and openly professed, sworn, and practised, by prince, pastor, and people of all ranks, without innovations; and that they would not suffer the faithful honest ministers to be smitten, and the flocks to be committed to wolves and blind guides.” But, July 24, they were all discharged forth of the town by open proclamation: the presenter of the petition, Mr Andrew Duncan, minister at Crail, was incarcerated. When the ministers remove, conform to the proclamation, they leave in writing behind them strong reasons why the parliament should not ratify the acts of the pretended Assembly at

Perth, and show both the nullity of the Assembly in point of formality, and the illegality of any such ratification, as being against several acts of parliament, his Majesty’s proclamation published and printed, and the national covenant, and upon several other grounds. As also they leave a most Christian and faithful admonition to the well-affected nobility, barons, and burgesses, members of parliament, unto constancy and faithfulness. Yea, moreover, in case all this should not prevail, they leave a protestation in writing: but the minister who had it to present got not access, and so was forced to affix copies thereof upon public places of the town.

But notwithstanding of all this, there is a fixed resolution to have these articles ratified, which made some honest members withdraw; several informalities are used contrary to the usual freedom of parliament, much pains taken to gain some, and after the report was made to go, that the parliament would not rise for several days to come, which made several members the more secure; Saturday, the 4th of August, was pitched upon as the fittest time for closing of the business, and all the articles are put together, and the question stated *agree* or *disagree*; and what by one way and another the acts are ratified. But observable it was how the Lord did give his protestation against this ratification from heaven (though Spotswood blasphemously parallel-eth it unto the Lord’s showing of himself at the giving of the law); for at the very instant when the king’s commissioner arose to touch this act with the sceptre, there came in at the windows a great lightning, and after that another greater, and then a third most terrible. Immediately there followed an extraordinary darkness, astonishing all. The lightnings were seconded with three terrible claps of thunder, and then there came an extraordinary great shower of hail; and after all this, such a terrible shower of rain, that made the streets to run like rivers; by which means the parliament was constrained to stay within doors an hour and a half, and went home thereafter without their robes.

Upon the 20th of August, when these acts were published at the cross, the minister who was intrusted with the protestation affixed a copy thereof upon the church door, and another upon the cross, and a third upon the palace-gate of Holyroodhouse, and

took instruments in these words: "Here, in the name of the brethren of the ministry professing the religion as it hath been practised in our church since the reformation of the same, I protest against all these things that have been concluded in prejudice of our privileges since the first reformation thereof, and adhere to my former protestation made and fixed on the Tolbooth door, and other places, and to all the protestations made in favour of the church in the time of the preceding parliaments." And God from heaven did declare his dissent, for during the time of the reading of these acts, there was nothing but thunder, fire, lightnings, and rain. And thereafter the Lord made the whole country feel the weight of his anger; for the corn did rot through excessive rains; waters became so great that they swept away, in several places, corn, cattle, houses, plenshing, people and all; the great bridge of Perth, where these acts were first concluded, was taken away, and never repaired to this day, yea, and the whole town almost drowned: many of the seamounts which favoured the articles received great damage by sea; and there followed three years' dearth and famine, and epidemic diseases, whereof many died. Thus did the Lord plead from heaven his controversy, and testify his displeasure against those courses.

But notwithstanding of all this, the prelates, having now all power in their hands, prosecute their work, and tyrannise over all ranks, so as the inhabitants were more afraid of crossing their commands than the commands of the king himself; for they banished out of their bounds such gentlemen as they pleased, imprisoned what magistrates they thought fit, upon any light occasion, were it but the hearing of their own old minister, after he had been silenced by the bishop, or the not sisting of one, though their own father, before their tyrannical court.

Now is there a black cloud over the church for many years; piety is daily decaying,—formality and profanity increasing; the godly are mourning and lamenting,—and the wicked rejoicing. But the prelates have not yet ended their purpose.

For, anno 1633, when King Charles was present at a parliament, there is an act carried through (but not without some opposition made thereunto by some of the nobles), granting power to his Majesty to command

what habits he pleaseth for all men in office, whether in church or state, and that as a privilege annexed to the crown; and by this means a door was opened to bring in the *surplice*, the *corner cap*, and other trash. These worthy nobles being traduced by the prelates as contemnners of authority, and sowers of sedition in church and state, procure the king's displeasure by their freedom; for the king did not only chide them openly, but with his own hand he wrote down their names as disloyal subjects, which made these nobles think of drawing up a supplication; which, being drawn up by William Haig, his Majesty's solicitor, was committed to the trust of the Earl of Rothes and Lord Loudon, to present it as they found convenience; but they, perceiving that it would not be well accepted, resolve to keep it up. But at length, some way or other, a copy thereof cometh to the bishops' hands, and they deliver it unto the king, and withal complain of those noblemen, as standing in the way of his subjects' yielding cheerful obedience. And upon their importunate requests, there is a commission granted to certain persons, as a committee, to proceed against the authors and abettors of that supplication, as guilty of sedition and treason. Whereupon William Haig fleeth, and all his goods are confiscated. Some noblemen are questioned; and the Lord Balmerino, who had the supplication in his custody, is imprisoned, and at length condemned to die, but obtaineth pardon.

Now the prelates do reign, their being none who durst peep or move a wing against them. The archprelate of St Andrews was chancellor; other eight of the prelates were in great places, being either lords of the privy council, or lords of the exchequer; and being thus lifted up in power and honour, they are puffed up with pride, and what durst they not attempt now (think they)? Therefore they proceed to do more wickedness, and draw up a book of canons, which was printed, and approved by the king's Majesty, and all were commanded to obey the bishops in all points. By this book, that which remained of presbyterian government is taken away; parochial sessions and classical presbyteries are accounted conventicles; ruling elders and deacons are cast out of the church, and all ecclesiastical causes are brought only to the prelates' tribunal. So were they about the drawing up of a liturgy, and a book of or-

dination, against which, before ever they were printed or seen, all were discharged to speak under the pain of excommunication. And at length the book of common prayer is published and imposed on the church by the king's command, as the only form of public divine worship. Every parish is commanded to have two at least of these books, under the pain of horning and being punished as rebels: and a strict command cometh forth, enjoining the same to be used from Pasche and forward, *anno* 1637. But some of the prelates, as of Ross and Dunblane, did anticipate the day, and made use of it in their cathedrals. Others of the prelates propone the matter to their synods: but the ministers replied, that such a change should not be made without a national assembly; but it was answered that they were the representatives of the church. However, some prelates gave ministers liberty to advise until October, but through the furious importunity of some a letter is procured from his Majesty, commanding the using of the liturgy with all expedition in the churches of Edinburgh. The ministers being called to see what they would do, such as refused are presently suspended.

## SECTION II.

### THE WAY HOW THE LORD BROUGHT DOWN THESE PRELATES, AND THE HISTORY CONTINUED.

It was sad and lamentable to see what a face the church of Scotland had now: no hedge of discipline to keep the vineyard from foxes and wild boars; all the discipline which was, was tyranny over consciences, and over men's persons and estates; profanity was not curbed, but encouraged,—prelates themselves being chief in all those crying abominations, as will be cleared ere long; yea, that poor church was now posting fast to Rome. The prelates and their underlings, beside the points of Arminianism (which were accounted special pieces of their qualification) did avow openly several points of Popery, so that it was taught publicly in the chief city, that "the Pope was not antichrist." And thus all things were growing worse: the worship corrupted, and like to be corrupted more; and the minds of people were filled with

fears that God would depart and leave that church altogether; so that their case looked most deplorable and desperate like. But as oftentimes the church and people of God have found Him, who was the hope of Israel, and the Saviour thereof in times of trouble, a ready help in time of need,—so did the poor church of Scotland find it now by experience, that when the storm was sorest it was nearest an end, and that this was as the dark hour before the dawning of the day; for now the Lord awaketh, as one after wine, and looketh through the cloud with compassion on a long tossed and sorely afflicted church, which had groaned under the oppression of cruel taskmasters till they could do no more, and sheweth that his hand was not shortened that it could not save, but that he was the hearer of prayer, and that now his appointed time was come to take vengeance on his adversaries, even the vengeance of his temple. And as, ordinarily, the Lord's great works appear to carnal reason to be despicable at the beginning, so the Lord began this great change and alteration of affairs in that poor church in a way that seemed not to promise much, yet such a way it was as the hand of God was to be seen in it, and seen carrying of it on wonderfully, as shall appear.

In obedience to his Majesty's last letter, which commanded the reading of the liturgy in all haste, the Bishop of Edinburgh, the first Sabbath-day thereafter, resolved to do it; and when he beginneth, there ariseth a tumult among the people, begun by some women, which increased so as that the prelate, when he came out of the church, did hardly escape: and in the rest of the churches of Edinburgh the reading was stopped. Immediately after dinner the secret council did meet, and resolve to search out the authors of this tumult, and commanded the use of the service book, and all to speak reverently of the bishops; but notwithstanding of this the people rage more than ever against the prelates, and after the afternoon sermon they set upon the prelate with stones, and forced him to flee.

About this time, in other parts of the kingdom, the ministers and honest people who were urged, and could not give obedience, resolved to follow a more regular way, and to supplicate the council, and to give in a note of the errors contained in these books, which accordingly they did; so, from several parts of the kingdom, there

came ministers and professors with supplications, showing how erroneous both the liturgy and the other books were, and how dangerous a thing it was to bring in innovations in a church,—how the reformed churches of Austria were undone by the violent obtrusion of a liturgy;—how, in the time of Charles the Great, the church was miserably rent, some adhering to the Ambrosian liturgy, others choosing the Roman or Georgian liturgy;—how dangerous it was to change the worship and bring in a worse;—and how the king, four years before, at his coronation, did solemnly swear that he would alter nothing in the kingdom of Scotland without the free consent and advice of those having interest. Unto these supplications the council at first gave a favourable answer, and told that it was not their mind to press the public use of these books, and that they had forbidden the bishops to press the use of these books any more, and that they had signified their mind to his Majesty, and were expecting a return. The petitioners likewise sent their supplications to his Majesty with the Duke of Lennox, who was then returning to London, and withal did wrestle with God by prayer and fasting, that he would incline the king's heart to hearken unto their just desires, and would frustrate the endeavours of their adversaries. But when the express cometh from his Majesty, all the answer they get is an edict, published October 18, commanding them to go out of the town of Edinburgh, within a few hours, under the pain of rebellion. When the petitioners see this, the next day they resolve to act all together jointly, that his Majesty might know it was not a few puritans (as the impure prelates were pleased to nickname them), but a great multitude of his Majesty's most loyal subjects of all ranks who were dissatisfied. And they draw up a complaint against the prelates, and desire liberty of the council to pursue them legally, as being the only authors of the book of canons and liturgy, which contain the seeds of superstition and idolatry, and as being guilty of many other crimes, and that under the highest peril; and withal they show the council that they could not leave the town until they saw some course taken for delivering the land from the present and imminent dangers. When the council saw that the number of the petitioners was great and daily increasing, fearing the worst, they de-

sired the petitioners would choose some of their number as their commissioners to prosecute their business, that the multitude might depart; and this was yielded unto. But ere long the council is discharged, by an express from his Majesty, to meddle any more in that matter; whereupon the supplicants are necessitated to draw up a protestation, declaring, that if any tumult arose, through their prosecution of the cause, the council only might be blamed, as refusing justice. When the council heareth of this, they resolve to hear the desire of the commissioners, and advise the bishops to withdraw themselves. When the commissioners compare, they show their intention was to prosecute their business against the prelates, whom they would prove guilty of grievous crimes, under the highest peril, and therefore desired the prelates might be excluded, it not being fit that parties should be judges. The council, because of the forementioned express, might do nothing; only they write to his Majesty, who thereafter sendeth for the Earl of Traquair, but he, for fear of the prelates, did misrepresent the cause of the supplicants, and returned with a proclamation from his Majesty, which he caused to be published at Stirling (where the council was sitting), in February 1638, in which proclamation the king owned the books which the petitioners did supplicate against, and condemned the meetings of the supplicants as conspiracies contrary to the laws of the land. Against this the petitioners prepared a protestation, a copy whereof was affixed at the cross of Stirling, and herein protested against these books, as full of errors, as innovations; against their refusing to receive libels against the prelates; against the High Commission court, obtruded on Scotland contrary to the fundamental laws of the land, without any municipal law; that prelates should not be judges in their own cause, and that all their own meetings were lawful; and that they could not forbear, with a good conscience, unless they should wrong the glory of God, the honour of his Majesty, and the liberties of kirk and kingdom. And because they were commanded to depart forth of the town of Stirling, they go together towards Edinburgh, and there, after serious thoughts, they find the main procuring cause of all these calamities to be the violation of the national covenant; and therefore unanimously they resolve to renew that covenant;



and accordingly they draw it up, with some explicatory additions and confirmations out of the acts of parliament, and bind themselves "to adhere unto and defend the true religion; and (forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the kirk, or civil places and power of kirkmen, till they be tried and allowed in free assemblies and in parliament) to labour, by all means lawful, to recover the purity and liberty of the gospel, as it was established and professed before the foresaid innovations;" and promise and swear to "continue in the profession and obedience of the foresaid religion, to resist all contrary errors and corruptions, and that they had no intention to attempt anything that might turn to the dishonour of God, or to the diminution of the king's greatness and authority, and to defend themselves mutually in the same cause," &c. When the covenant is thus drawn up, it was subscribed by all present, and copies thereof were sent to such as were absent, and being read in the churches, was heartily embraced and sworn, and subscribed with tears and great joy. Great was this day of the Lord's power, for much willingness and cheerfulness was among the people, so as, in a short time, few in all the land did refuse, except some Papists, some aspiring courtiers, who had no will to displease the king; some who were addicted unto the English rites and ceremonies, and some few ministers who had sworn the oath at their entry, which was mentioned *anno* 1612. Yea, such willingness was among the nobles and others, that they had their own copies of the covenant subscribed by others of the nobles, barons, and ministry, laid up in their charter-chests, where possibly many of them are at this day.

When matters are at this pass, the prelates do animate his Majesty to a war; and the covenanters, desiring his Majesty might be rightly informed, wrote unto the Duke of Lennox, Marquis of Hamilton, and the Earl of Morton, to know if his Majesty would accept of a supplication, and sent one unto them to be presented by them; but the king would not look upon it. At length he is moved to send the Marquis of Hamilton down toward Scotland to labour by all means to settle peace. But, in the meantime, there is a ship sent from London with ammunition unto the castle of Edinburgh,

which, because not usual, was taken notice of; and the covenanters, fearing the worst, resolved to watch the castle, that none of it should be taken in. When Hamilton cometh down, the covenanters petition for a free General Assembly, and a lawful parliament. He replieth, that he was not able to grant either, unless they would render back their subscribed covenant; but this they could not do without open perjury, so that he resolveth to return. But first, July 4, he published a declaration, against which, contrary to their resolution (for they were made to believe it was some other thing than indeed it was), they drew up a protestation; and hearing that the council had approved of the said proclamation, they prepare a supplication; but the council did not suffer the act to be recorded, but did tear it in pieces; and thereafter, Hamilton and the most part of the council declared solemnly that the act of the council was no approbation of the same, but a warrant to the clerk to cause publish it.

When the Marquis of Hamilton was going back to London again, he promiseth to procure a warrant from his Majesty for a General Assembly before the 22d of September, otherwise they should have free liberty to appoint one themselves; and when, according to his promise, he returneth again, he bringeth a proclamation with him, tacitly condemning all the proceedings of the covenanters, and marring the freedom of an Assembly; and therefore the covenanters were constrained to make use of a protestation against it, September 22. On the same day also did the council publish his Majesty's indictment of an Assembly to be holden at Glasgow, November 21, and of a parliament to be holden at Edinburgh the 15th of May thereafter, 1639. As also a new engine is used for disappointing the covenanters in their explicatory addition, namely, the council, at the king's command, subscribe the national covenant and the bond for his Majesty's preservation, and appoint commissioners to see it done through the kingdom; but withal there is a clause added, namely, "We subscribe the confession of faith, of, and according to the date and tenor, *anno* 1580 and 1590, and as it was then professed within this kingdom." Supposing (but by a gross mistake) that, at that time, Prelacy and ceremonies were then professed; but the prelates, fearing this would not abide the trial, desired the council to

sign a writing, obliging themselves to defend Episcopacy, and to show that Episcopacy is not abjured by the covenant; but their desire was not granted.

At the day appointed the Assembly at Glasgow is opened up, notwithstanding of some indirect means used by the prelates to hinder it. The prelates being summoned, compear not, but decline the judicatory. Within some days the Marquis of Hamilton, being the king's commissioner, offers to dissolve the Assembly, and chargeth them to depart, and so removeth himself; but though this was very astonishing, yet they did resolve to hold the court of Christ, and, in so doing, to obey God rather than man; and then did take into consideration the grounds of the declinature, which may be seen at length in printed papers, and in Mr Spang's *Historia Mortuum*, &c. Upon the 29th of November, his Majesty's commissioner published a proclamation commanding their dissolution, against which there is a protestation drawn up, answering what was alleged in the proclamation.

The Assembly do proceed, and, after some search, find that all these meetings of ministers which had brought in these innovations that had troubled the church so much, were no lawful General Assemblies, by sundry reasons confirmed by the registers of the Assembly, by the books of presbyteries, by the king's Majesty's own letters, and by the testimony of divers old reverend ministers verifying the same in the face of the Assembly; and so declared that these meetings at Linlithgow, 1606 and 1608; at Glasgow, 1610; at Aberdeen, 1616; at St Andrews, 1617, and at Perth, 1618, were from the beginning unfree, unlawful, and null Assemblies. The reasons are more fully to be seen in the printed records of the Assembly. Likewise they condemn the book of common prayer, because devised and brought in by the pretended prelates, without direction from the church, and pressed on ministers without warrant from the church; because it contained a popish frame and form of divine service, many popish errors and ceremonies, the seeds of manifold and gross superstition and idolatry, and so repugnant to the doctrine, discipline, and order of the church, to the confession of faith, constitutions of General Assemblies, and acts of parliament establishing the true religion. So do they condemn the book of canons, as devised by prelates (without warrant and

direction from the General Assembly) to establish a tyrannical power in their own persons over the worship of God, men's consciences, liberties, and goods, and to overthrow the whole discipline and government of the church by general and provincial assemblies, by presbyteries and sessions, and so as contrary to the confession of faith, the established government, the book of discipline, and the acts and constitutions of the church. So they condemn the book of consecration and ordination, as being introduced without warrant, civil or ecclesiastic, establishing offices in God's house without warrant of his word, as repugnant to the discipline and constitutions of the church, and as impeding the entry of fit and worthy men to the ministry, and the discharge of their duty after their entry. They condemn the High Commission, as erected without the consent of church or state, as subverting the ordinary church judicatories, as arbitrary, and not regulated by laws civil or ecclesiastic, as giving to churchmen the power of both swords, and to persons merely civil the power of the keys, and so as unlawful in itself, and prejudicial to the liberties of Christ's church and kingdom, and the king's honour in maintaining the established laws and judicatories of the church. So do they show and declare that the five articles or ceremonies concluded at Perth (of which mention was made before) were abjured by the national covenant, as may be seen at length in their 17th act. As also they declare (act 18) that Episcopacy was abjured by the confession of faith or national covenant, *anno* 1580, which shall be more fully cleared afterward. So having examined and discussed the several processes given in against the pretended prelates, they depose and excommunicate Mr Spotswood of St Andrews, Mr Lindsay of Glasgow, Mr Lindsay of Edinburgh, Mr Sydserff of Galloway, Mr Maxwell of Ross, and Mr Whiteford of Brechin, for breach of the cautions agreed on in the Assembly, *anno* 1600, for receiving consecration to the office of Episcopacy, pressing the church with innovations; particularly Mr Spotswood, for open and ordinary profanation of the Sabbath, drinking overlate in taverns, venting atrocious slanders, interlining and changing the acts of the Assembly at Aberdeen, sacrilege, simony, and conniving at heterodoxies; Mr Lindsay of Glasgow, for oppressing of the consciences of the ministers in his diocese, ex-

torting money from some ministers, withholding stipends from others, oppressing his vassals, and forcing probationers to swear some idle and vain oaths, which he had invented; Mr Lindsay of Edinburgh, for admitting none to the ministry but such as would first take upon them the order of deacons, for bowing at the altar, using the rochet and other mass clothes in time of divine service, consecrating temples, using the rite of elevation at the celebration of the Lord's supper, conniving at heterodoxies, and maintaining the ubiquity of Christ's body; Mr Sydserff of Galloway, for open and ordinary profaning of the Lord's day, exercising tyranny in his diocese, conversing with excommunicated Papists, and defending all the Arminian and many popish opinions; Mr Maxwell, for kneeling before the altar, wearing popish garments, playing at cards and dice on the Lord's day, even when the sacrament had been given, oppressing his vassals, keeping Friday fasts, defending all Arminian, and many of the most gross popish opinions; Mr Whiteford, for such flagitious crimes as were notorious to all. So do they depose and excommunicate Mr Ballantine of Aberdeen, and Mr Wedderburn of Dunblane, for the general crimes; and particularly Mr Ballantine, for simony, for suspending ministers, because they kept a fast on the Lord's day, dedicating a chapel, freeing Papists suspected of incest from church censures, and turning such an apostate, after he had appeared once so zealous for the truth; Mr Wedderburn, for concurring with Mr Maxwell in drawing up the book of canons, swearing, profaning the Lord's day, and commending Arminianism and many points of Popery. So do they depose Mr Lindsay of Dunkeld, and Mr Abernethy of Caithness, Mr Guthrie of Moray, Mr Graham of Orkney, Mr Fairlie of Argyle, and Mr Campbell of the Isles, as for the general crimes common to all; so, in particular, Mr Lindsay, for simony; Mr Abernethy, for simony; Mr Guthrie, for being the first who did put on the surplice in Edinburgh, anno 1633, and professing he would be yet more vile to please the king; Mr Graham, for profaning the Lord's day, sacrilege, conniving at adultery; Mr Fairlie, for oppressing entrants with new oaths, profaning the Lord's day, and defending the Arminian opinions.

Thus are those enemies to church and state, after they had oppressed and tyrannised

over that poor church for a long time, wonderfully brought under her feet. "So let all thine enemies perish, O Lord."

And now, being filled with rage, they all (except some few who had acknowledged their wrong) run to court, and stir up his Majesty to make war against Scotland; and accordingly war is concluded both by sea and land,—free trading is taken away,—the Scottish nobility at court are made to abjure the national covenant, and the Assembly at Glasgow. The English nobility, with all their forces, are commanded to meet the king at York, April 10, 1639.

When the covenanters see this preparation, they emit a declaration, showing "that religion was their only work, conscience their only motive, and reformation their scope; that they intended no harm to his Majesty, nor did they intend to invade England (whatever their malicious enemies did say to the contrary); and that all this was brought about by the means of some proud, perverse, and popishly-affected prelates." But this declaration was suppressed in England, so that they might not know the true state of affairs, and there is a contrary declaration emitted, styling the covenanters seditious rebels, and the like, which was read in all the churches of England. Withal, the covenanters learn that the Earl of Huntly is made governor of the North; that they are all declared rebels in England; that Berwick and Carlisle, frontier cities, were strongly garrisoned; that the Earl of Arundel is made general; that the king was to rendezvous at York; that Huntly had already four or five thousand in arms; that Aberdeen was fortifying itself to take in the king's navy; that the Papists in the south were ready to rise with the Marquis of Douglas and Lord Harris, and that the deputy of Ireland intended to land some men in the west;—and therefore, after fasting and prayer, they resolved (being in a sort the whole body of the land,—the nobility, gentry, burgesses, commons, and magistrates of all sorts in city and country) to put themselves in a posture of defence, and to strengthen themselves against invasion the best way they could, and to suppress the enemies within their own bosom. Wherein the Lord blessed them so as their enemies both in the north and south were compassed; and, withal, they did emit a declaration, vindicating themselves and their actions from

all the aspersions of their enemies, and answering his Majesty's declaration read in the churches of England, that they might undeceive those of England.

May 1639, the king's navy cometh to Scotland with some thousands of men and much provision. The covenanters send a supplication to his Majesty, but in vain, for nothing is intended but fire and sword. The king approacheth their borders with an army, and the two armies are near to join in battle. But God was pleased to prevent the shedding of blood, by moving the king to a pacification; wherein the king promiseth and declareth, that "all causes ecclesiastical should be determined by church assemblies, and that there should be a General Assembly every year once, and that civil matters should be determined by parliaments; that there should be an Assembly held at Edinburgh the 12th of August next, and a parliament thereafter to ratify the acts of the Assembly." Whereupon the Scottish forces are disbanded, the castles are surrendered, and now the whole land looketh for nothing but peace.

The Assembly is opened up August, 1639, and the Earl of Traquair is present as his Majesty's commissioner,—all these things, which were before concluded in the Assembly of Glasgow, are established, his Majesty's commissioner assenting. The covenant was approved in all its heads and clauses, and was subscribed both by Traquair, his Majesty's commissioner, and by the privy council; and, according to a petition of the Assembly unto the secret council, there is an act of council ordaining, in all time coming, to subscribe the covenant, according to the General Assembly's declaration, dated August 30, 1639.

Now, according to the pacification, it was expected that these acts should have had the civil sanction of the parliament, which was to sit down the next day after the Assembly was dissolved, namely, August 31. But before anything was done by the parliament to this effect, it is commanded to dissolve, December 18, under the pain of treason; and so the parliament is prorogued unto the 2d of June 1640. The parliament, for peace, resolve to obey, but because they had never been adjourned nor dissolved formerly without their own consent, and lest this might be a preparative for times to come, they resolved to emit a declaration for their exoneration, and caused

insert it in the registers *ad futuram rei memoriam*. And withal they send some of their number unto his Majesty with grievances, and appoint others to attend his Majesty's answer at Edinburgh, and then they dissolve, having first published an infirmation to the estates of England concerning the present state of affairs. But these commissioners, after they had endeavoured to give his Majesty satisfaction in all points, according to their instructions, at several times, from the 20th of February unto the 23d of March 1640, were detained, and afterward the Lord Loudon is put into the tower of London, and other three are put under a restraint, contrary to the law of nations. A new war is intended: the castle of Edinburgh is fortified with a hundred strangers more and much ammunition. The commissioners of the parliament seeing this, and hearing of an army levied in England, under the conduct of the Earl of Northumberland, and how the deputy of Ireland, with the nobles there in parliament, had offered a great sum of money, and what stir the prelates of England were making at court, and what offers they were making to carry on this new war, which they so far owned as to call it *Bellum Episcopale*,—they resolve to put the land into a new posture of defence, and emit a declaration for satisfaction of their friends in England, which was so satisfactory, as that many of the lower house of parliament, then sitting, declared that they saw no cause of a war against Scotland, and therefore would grant no subsidy. But this parliament is dissolved, Scottish ships are intercepted, their goods taken away, and the seamen imprisoned and miserably handled, all seaports closed up with frigates, the king's army advanceth both by sea and land, the castle of Edinburgh oppresseth the town, and killeth many with shot. Now at the time appointed, June 11, the parliament conveneth and levieth an army for a new expedition in defence of the land, and clearth the equity of the same in a declaration showing, 1. How they were necessitated thereunto, being not able to live without traffic, and justice, and to maintain an army on the borders. 2. That the war was only defensive, the king being stirred up by their adversaries to break the articles of pacification, to imprison their commissioners, to call parliaments in England and Ireland for subsidies for the war, to take their ships and imprison their

seamen, and to give commission to the governor of the castle of Edinburgh to kill all he could; when they resolved only to defend themselves, to seek a firm and sure peace, and then to lay down arms after security had for their religion and liberties. 3. That they were called by the same divine providence by which they had been directed hitherto. 4. That they looked upon none as their enemies, but a Cantabrian faction, made up of Atheists, Papists, Arminians, and prelates, the seducers of the king. 5. That their end was not to wrong his Majesty, nor to enrich themselves, but God's glory, the firm peace of both nations, the true honour of the king, and that the enemies of both kingdoms might be punished. So do they emit another paper for the satisfaction of the good people of England, clearing their true intentions; and so do advance with their army into England and take Newcastle, and before they would advance toward York, where the main body of the king's army did lie, they supplicate his Majesty at length to consider their grievances, and particularly "to ratify the last parliament; that the Scots in England and Ireland might be set at liberty, and not forced to take unlawful oaths; that the incendiaries might be punished according to justice, the Scottish ships restored, and everything removed which hindereth free commerce and trading between the two nations." Many of the English nobility and city of London petition for a parliament, and they and others advise his Majesty to desist from the war. At length the king is moved to thoughts of peace, and chooseth eight English earls and eight lords to meet with such as Scotland should make choice of, to conclude all matters of difference. This conference did begin at Rippon, and was concluded at Westminster, the substance of which shall be mentioned presently, when it shall be shown how these acts were all ratified and approved by the king himself, and his parliament of Scotland, anno 1641.

When the parliament, in June 1640, had convened at the time appointed at the last session, all the acts of the former Assembly, 1639, are ratified by their fourth act. They also ratify the covenant and the act of council before-mentioned thereanent, and do insert the said covenant with the Assembly's explication in their registers; and rescind all acts and statutes made in favour of the

prelates,—as act 23, 1597, anent their voice in parliament; act 2, 1606, anent their restitution; the 8th act, 1607, anent the chapter of St Andrews; act 6, 1609, anent their commissariates; the 1st act, 1612, ratifying the acts of the pretended Assembly at Glasgow, 1610; the 1st and 2d acts, 1617, anent the election of bishops and restitution of chapters; the 1st act, 1621, ratifying the articles of the pretended Assembly at Perth, 1618, and all others whatsoever made in their favour, and prejudicial to the spiritual nature, jurisdiction, and discipline and privileges of the kirk; or of the general, provincial, presbyterial assemblies or kirk-sessions; and, after the enacting of many other profitable laws, they adjourn the parliament unto the 19th of November next, and then unto the 14th of January, 1641, and then unto the 13th of April following, and then unto the 25th of May, and then unto the 15th of July, at which time the king himself was present;—and in this session of parliament the articles of the treaty are "ratified, enacted, and ordained to have, in all time coming, the full force and strength of a true and perfect security, and act of parliament;" and the king, for himself and his successors, promised, *in verbo principis*, never to come in the contrary of that statute and sanction, or anything therein contained. By this treaty these articles were concluded: 1. That forasmuch as the king's Majesty did call and convene a parliament, to be holden at Edinburgh the 2d of June 1640, wherein certain acts were made and agreed upon, which acts his Majesty (for the peace and good of his kingdom) is pleased to publish in his own name, with consent of the estates; and therefore commands that the said acts, bearing date the 11th of June 1640, be published with the acts to be made in the next session of the same parliament, and that all the said acts have, in all time coming, the strength of laws. 2. That the castle of Edinburgh, and other strengths of the kingdom, should, according to their first foundation, with the advice of the estates of parliament, be furnished and used for the kingdom. 3. That all Scottish men, within England and Ireland, shall be free from censure for subscribing the covenant, and shall be no more pressed with oaths and subscriptions unwarranted by their laws, and contrary to their national oath and covenant approved by his Majesty. 4. That all his Majesty's courts

of justice shall be free and open to all men, and parliaments of the respective kingdoms may try and judge incendiaries, and that he will employ none in his service without consent of parliament. 6. That their ships, and goods, and all damage, shall be restored. 6. That the sum of three hundred thousand pounds sterling should be given to them for their losses. 7. That all declarations, proclamations, acts, books, libels, and pamphlets, that have been made and published against the loyalty and dutifulness of his Majesty's subjects of Scotland should be recalled, suppressed and forbidden, in England and Ireland; and that their loyalty shall be made known in all the parish churches of his Majesty's dominions. 8. That the garrison of Berwick and Carlisle be removed. As also there is an act of pacification and oblivion agreed upon, out of which the Scottish prelates are excepted; as also Traquair, Sir Robert Spotswood, Sir John Hay, and Mr Walter Balcanquhal, who were cited and pursued as incendiaries. In which act his Majesty declareth, that the ensuing parliament of Scotland shall have full and free power, as the nature of a free parliament of that kingdom doth import, to ratify and confirm the treaty.

Thus at length were these officers, which Christ had never appointed, cast out of God's house (where they had formerly caused so much desolation, and laid the vineyard of the Lord waste as a wilderness) both by church and state, the king and all ranks of people consenting thereunto; for which God, who is wonderful in counsel and excellent in working, ought to be acknowledged and forever exalted, seeing he raised up such as were brought low, and brought down those who had set their nests on high, whose ways had been always grievous, and who said in their hearts, they should never be moved,—God hath forgotten, he hideth his face, he will never see it. Now God arose and lifted up his hand, and did not forget the humble,—he did behold mischief and spite, to requite it, and did break the arm of the wicked, the memory of which should be still fresh with, and refreshing unto all, the people of God, and ground of hope, that he who did then make the names of these prelates to rot and to stink in the nostrils both of church and state, can and will again pursue his controversy against those who dare now be so bold as to attempt what they have attempted,

after that the Lord hath put such notes of disgrace and infamy upon their predecessors.

While the parliament of England is sitting, there are several complaints given in against the Earl of Strafford, deputy of Ireland, and the archbishop of Canterbury; and both being found guilty of points of high treason, are condemned to die. Several courts of judicatory are abridged in their power; the High Commission court is taken away; and the Star Chamber court, and the coercive power of prelates and their courts. The prelates are ejected from the house of peers; bills are presented to his Majesty for the punishment of the scandalous clergy, for the abolition of Episcopacy, and the calling of an Assembly. At length there is a civil war begun between the king and the parliament, occasioned through his Majesty's withdrawing from his houses of parliament north towards Hull. The war is continued. In the meantime, the parliament calleth together an assembly of divines, to consult about matters of religion and church government, and so carry on the begun work of reformation; and, *anno* 1643, they appoint John, earl of Rutland, Sir William Armin, bart., and Sir Henry Vane, junior, knights; Thomas Hatcher and Henry Darley, esquires; with Mr Stephen Marshall and Mr Philip Nye, members of the Assembly of Divines, commissioners, to repair unto the kingdom and states of Scotland, and to the General Assembly there and their commissioners, "To propound and consult with them on all occasions which may further the so much desired work of reformation in ecclesiastical matters, and a nearer conjunction betwixt both churches." Accordingly these commissioners came and presented their propositions, and a declaration of the lords and commons in parliament, unto the General Assembly, August 10, 1643. So is there a letter sent from some brethren of the ministry in the church of England, subscribed by very many hands, showing how low that poor church was now brought, being ready to be swallowed up by Satan and his instruments, that the protestant religion was in great hazard, and desiring very affectionately their aid and help. August 15, Those commissioners present some propositions to the Assembly, which they had a little before, August 12, presented unto the honourable convention of estates, de-

siring that, "because the popish prelatical faction is still pursuing their design of corrupting and altering the religion through the whole island, the two nations might be strictly united for their mutual defence against the Papists and prelatical faction, and their adherents in both kingdoms, and not to lay down arms till those, their implacable enemies, be disarmed and subjected to the authority and justice of parliament in both kingdoms respectively;" and "that the two kingdoms might be brought into a near conjunction, into one form of church government, one directory for worship, one catechism, &c., and the foundation laid of the utter extirpation of Popery and Prelacy out of both kingdoms." The most effectual and ready means whereunto is now conceived to be, that both nations enter into a strict union and league, according to the desire of both houses of parliament, and that for prosecuting the ends of that union against the Papists, prelatical faction, and malignants, now in arms in the kingdom of England, their brethren of Scotland would raise a considerable force of horse and foot for their aid and assistance.

For which ends there are committees appointed by the convention of estates, and the General Assembly, to meet with the commissioners of the parliament of England, by whom the form of the league and covenant is agreed unto and resolved upon. Which draught, August 17, 1643, was approved by the General Assembly, "With all their hearts, and with the beginnings of the feelings of that joy which they did find in so great measure upon the renovation of the national covenant of the kirk and kingdom, as the most powerful mean, by the blessing of God, for settling and preserving the true protestant religion with perfect peace in his Majesty's dominions, and propagating the same to other nations, and for establishing his Majesty's throne to all ages and generations; and recommended unto the right honourable convention of estates, that being examined and approved by them, it may be sent with all diligence to the kingdom of England, that, being received and approved there, the same may be, with public humiliation, and all religious and answerable solemnity, sworn and subscribed by all true professors of the reformed religion, and all his Majesty's good subjects in both kingdoms." Thereafter, on the same day, it was approved by the convention of

estates, and then sent unto the kingdom of England; where, after mature deliberation, it was approved by the learned Assembly of Divines, and by both houses of parliament, and by them, in their solemn assemblies, after sermon, solemnly sworn and subscribed; and, by ordinance of parliament, sworn and subscribed in all the parishes of the kingdom, and a copy thereof appointed to be affixed in every parish church; and also a fair copy thereof, with all the names of the members of parliament who subscribed the same, is ordained to be affixed at the end of the great Hall of Westminster. When thus it was sworn and subscribed in England, the commissioners of the General Assembly, October 11, 1643, ordained the same to be, with public humiliation, and all religious solemnities, received, sworn, and subscribed by all ministers and professors within the kirk; and for this effect it is ordained "that the league and covenant be forthwith printed, and that the printed copies, bound with some clean sheets of paper, be sent unto the ministry, and that every minister, upon the first Lord's day after the same shall come to his hands, read and explain it, and, by exhortation, prepare the people to the swearing and subscribing thereof solemnly the Lord's day next immediately following;" and ordain "that presbyteries proceed with the censures of the church against all such as shall refuse or shiit to swear and subscribe the same. And the commissioners think it very convenient, for good example, and the better encouragement of others, that it be solemnly sworn and subscribed by themselves now present before the congregation, in the East Kirk, upon Friday next, the 13th of this instant, after sermon and exhortation, to be made by Mr Robert Douglas, moderator; and that the commissioners of the convention of estates now in town, and the commissioners from the parliament of England, and divines of that kingdom here present, be earnestly desired to join with them in this solemn and religious action." Upon the 12th of October, the commissioners of the convention of estates did also ordain the same to be sworn and subscribed, under the pain of being punished as enemies to religion, his Majesty's honour, and peace of the kingdoms, and to have their goods and rents confiscate, &c.; and also ordain "all sheriffs, stewards and others, his Majesty's magistrates in burgh and land, and com-

mittees in the several shires, to be assisting to ministers and presbyteries in procuring real obedience hereunto." Which deed of the commission of the church was ratified and approved by the General Assembly, June 28, 1645. So is the deed of the convention of estates and their commissioners approved and ratified by act of parliament, July 15, 1644, where the league and covenant is insert in the registers.

Thus the kingdoms of "Scotland and England, after other means of supplication, remonstrance, protestation, and sufferings, to the end they might preserve themselves and their religion from utter ruin and destruction, according to the commendable practices of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemn league and covenant, wherein all did subscribe, and with hands lifted up to the most high God, did swear, as they should answer at that great day to God, the searcher of all hearts, That sincerely, really and constantly, they should endeavour, in their several places and callings, 1. To preserve the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, and to reform England and Ireland, according to the word of God, and the example of the best reformed churches, and to bring the three kingdoms to the nearest conjunction and uniformity in religion, confession of faith, form of church government, directory for worship, and catechising; 2. To endeavour the extirpation of Popery, Prelacy, superstition, heresy, schism, profaneness, and whatsoever shall be found contrary to sound doctrine and the power of godliness; 3. To preserve the rights and privileges of the parliaments, liberties of the kingdoms, and the king's Majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms; 4. To discover all such as have been, or shall be incendiaries, malignants, or evil instruments, hindering the reformation of religion, dividing the king from his people, and the kingdoms one from another, or making any faction or parties among the people, contrary to this league and covenant, that they may be brought to trial and condign punishment; 5. To endeavour that these kingdoms may remain conjoined in a firm peace and union to all

posterity; 6. To assist such as enter into this covenant, and not to suffer themselves any manner of way to be divided, or make defection, or to give themselves to a detestable indifferency and neutrality in this cause, but shall continue therein against all opposition, and promote the same according to their power against all lets and impediments whatsoever."

When these lands did thus enter into covenant with the great God of heaven and earth, many a soul was converted (which was as the fruit of this noble marriage) when they saw the wonderful works of the Lord's right hand, whereby he openly and undeniably owned that covenant, and such as entered into it. Then did these churches flourish, and begin to have a beautiful countenance, and to be admired abroad by strangers, who stood astonished at the report of what they did hear daily of the Lord's owning and fighting for that covenant, and seconding the covenanters in carrying on the ends of the same. But at length, after the Lord had by many signs and wonders testified his displeasure against, and broken the whole strength and force of the popish, prelatical, and malignant faction, and wrought deliverances in all the three kingdoms for the people that engaged in covenant with him, it seemed good in his eyes, who doeth all things according to the counsel of his own will, to suffer another enemy to arise to trouble his church, and to try his people, namely, the sectarian party, who grew to such an height in the English army, that they overruled the parliament of England, —putting away the house of peers; they modelled the house of commons as they thought good, and erected a new court, which they called an "high court of justice," before which they did impanel the king, and at length did violently take away his life, January 30, 1649, against which deed the commissioners both from the church and state of Scotland did protest, and were therefore hardly used at London.

When the report of this cometh to the ears of the parliament of Scotland which was then sitting, they, upon the 5th of February, 1649, "considering that, forasmuch as the king's Majesty who lately reigned was, contrary to the dissent and protestation of this kingdom, now removed by a violent death, and that, by the Lord's blessing there was left a righteous heir and lawful successor, Charles, prince of Scotland and



Wales, and now king of Great Britain, France and Ireland, did unanimously and cheerfully, in recognisance and acknowledgment of his just right, title, and succession to the crown, proclaim and declare to all the world that he was king of Great Britain, &c., their sovereign lord and king, at the market cross of Edinburgh, with all usual solemnities in like cases, ordaining the same to be done in like manner in all the burghs royal." Immediately there are commissioners sent over to his Majesty, while at the Hague in Holland; and when these returned without satisfaction, there are again, the next year, 1650, commissioners sent to him, while at Breda. At length he promised to publish, and testify by solemn oath, his approbation of the "national covenant of Scotland," and of "the solemn league and covenant." And accordingly, before he came ashore in Scotland, being in shipboard at the mouth of Spey, on the Lord's day the 23d of June, 1650, in presence of the commissioners of the kingdom and church of Scotland, and several others, both Scots and English, after sermon, the national covenant and the solemn league and covenant, being read by the minister that preached, he, standing and lifting up his right hand, swore the same, in the words following, which had been determined by the parliament and by the commissioners of the General Assembly of the church of Scotland, in their instructions to their commissioners, and subjoined to both the covenants:—

"I, Charles, king of Great Britain, France and Ireland, do assure and declare by my solemn oath, in the presence of the almighty God, the searcher of hearts, my allowance and approbation of the national covenant and of the solemn league and covenant above written; and faithfully oblige myself to prosecute the ends thereof, in my station and calling; and that I, for myself and successors, shall consent and agree to all acts of parliament enjoining the national covenant and solemn league and covenant; and fully establishing presbyterial government, the directory of worship, confession of faith, and catechisms in the kingdom of Scotland, as they are approved by the General Assembly of this kirk and parliament of this kingdom; and that I shall give my royal assent to the acts of parliament enjoining the same in the rest of my dominions; and that I shall observe these in my own practice and

family, and shall never make opposition to any of these, or endeavour any change thereof."

Immediately he subscribed the same; and thereafter, August 16, 1650, he emitteth a declaration from Dunfermline, wherein he expresseth much of his affection to the covenant and covenanters, "and declareth that he hath not sworn and subscribed these covenants, and entered into the oath of God with his people, upon any sinister intention and crooked design for attaining his own ends; but, so far as human weakness will permit, in the truth and sincerity of his heart; and that he is firmly resolved, in the Lord's strength, to adhere thereto, and to prosecute the ends thereof, &c. In order to which he doth, in the first place, profess and declare that he will have no friends but the friends of the covenant; and therefore, as he doth now detest and abhor all Popery, superstition and idolatry, together with Prelacy, and all errors, heresy and schism, and profaneness, and resolveth not to tolerate, much less allow any of these in any part of his Majesty's dominions, but to oppose himself thereto, and to endeavour the extirpation thereof to the utmost of his power,—so doth he, as a Christian, exhort, and, as a king, require all such of his subjects who have stood in opposition to the solemn league and covenant, and work of reformation, upon a pretence of kingly interest, or any other pretext whatsoever, to lay down their enmity against the cause and people of God, and to cease to prefer the interest of man to the interest of God, which hath been one of those things which hath occasioned many troubles and calamities in these kingdoms, and, being insisted in, will be so far from establishing of the king's throne, that it will prove an idol of jealousy, to provoke unto wrath him who is King of kings, and Lord of lords.—The king shall always esteem them best servants, and most loyal subjects who serve him and seek his greatness in a right line of subordination unto God, giving unto God the things that are God's, and unto Cæsar the things that are Cæsar's; and resolveth not to love or countenance any who have so little conscience and piety as to follow his interests with a prejudice to the gospel and kingdom of Jesus Christ, which he looks not upon as a duty but as flattery, and as driving self-designs, under a pretence of maintaining royal authority and greatness.—He resolveth to live and die,

with his loyal subjects, in prosecution of the ends of the covenant.—He doth esteem the service of those who first engaged in the covenant, and have since that time faithfully followed the ends thereof, to be duty to God, and loyalty to him.”

So, Jan. 1, 1651, on the day of his coronation, the national covenant and the solemn league and covenant being read unto him, he swore them in this following oath, which he took in behalf of himself and his successors, kneeling and holding up his right hand (which oath, with both covenants, he afterward did subscribe): “I, Charles, king of Great Britain, France and Ireland, do assure and declare, by my solemn oath, in the presence of almighty God, the searcher of hearts, my allowance and approbation of the national covenant and of the solemn league and covenant, above written; and faithfully oblige myself to prosecute the ends thereof, in my station and calling; and that I, for myself and successors, shall consent and agree to all acts of parliament enjoining the national covenant and the solemn league and covenant; and fully establishing presbyterial government, the directory of worship, confession of faith and catechisms, in the kingdom of Scotland, as they are approved by the General Assemblies of this kirk, and parliament of this kingdom; and that I shall give my royal assent to acts and ordinances of parliament passed, or to be passed, enjoining the same in my other dominions. And that I shall observe these in mine own practice and family, and shall never make opposition to any of these, or endeavour any change thereof.”

Thus had the church of Scotland all the security imaginable from a prince, that prelates should never have footing again within that kingdom, and that the begun work of reformation should be still carried on through the other dominions.

But when Scotland, out of conscience to their covenant, had sent for the king, the sectarian party, in July 1650, approach their borders with an army, thereafter overcometh them in battle, sheddeth much of their blood, leadeth many, both commanders and soldiers, away captive, and keepeth them in bondage full ten years. Under which oppression they lay groaning, wishing for a day of delivery.

At length, after ten years' exile, the Lord returned their prince without stroke of sword, and settled him upon his throne,

which occasioned great acclamations of joy through the whole land,—seeing that now the yoke of the oppressor was broken, and the Lord had restored to them in a wonderful and unexpected manner their lawful judges and governors. Now were people filled with hopes of good and desirable days both for church and state. But, alas, how suddenly are all their hopes turned into fears, and their joy into mourning: how are their faces filled with confusion, because of the sad disappointment which now they did meet with! Their yoke beginneth now to be wreathed more straitly about their necks than ever; their bondage and oppression in conscience groweth; they see with their eyes the glorious work of reformation, which had been wonderfully carried on by the mighty power of the most High, and cemented with the blood of his saints (who spared not their lives in the defence and maintenance of that cause both against malignants and sectaries), razed to the very foundation, and the carved work thereof broken down with axes and hammers at once, and all things growing daily worse and worse. Some particulars whereof (though the calling to mind, and making mention of such sad and doleful things, will occasion fresh sorrow and grief to the people of God), as the purpose in hand will suffer, shall be mentioned in the following sections.

### SECTION III.

THE GROUNDS OF THE SUFFERINGS OF SUCH AS WERE INCARCERATED BY THE COMMITTEE OF ESTATES, THE 23D DAY OF AUGUST, 1660, DISCOVERED.

After God had broken the yoke of the oppressors, and had restored their own governors, it might have been expected that justice should have flowed down as a river; and when the committee of estates, which had been nominated *anno* 1651, were commanded by his Majesty to sit and order the affairs of the kingdom until the ensuing parliament should meet, every one might have been in expectation of some good following their government. But, alas, their little finger becometh heavier than the loins of the former oppressors: a little taste of which there is given on the very first day

of their sitting down; for upon the 23d of August, 1660, while there were some faithful and zealous servants of Christ, to the number of ten ministers, with one gentleman, met in a private house (where they resolved to meet that they might give the less offence), for the drawing up of a supplication unto his Majesty, wherein, after their congratulating his Majesty's return, they, in all humility, press and exhort him, in the fear of the Lord, to mind his oaths unto, and covenants with, God,—a very necessary and seasonable work,—the committee of estates sent thither some of their number to apprehend those persons, and to take them to the castle of Edinburgh, where they abode for the space of some weeks, and were afterward (except Mr Guthrie) confined to their chambers in the town for some considerable time. This was a terrible alarm unto the hearts of the godly, presaging sad and doleful days to follow, when at the very first there is so much cruelty exercised against these faithful and zealous servants of Christ, who were evidencing their love and respect unto their prince, in minding him of his vows which he had made unto the most High, and of his duty which he did owe unto God, who had so wonderfully delivered him; for which no colourable pretence could be alleged save one of those: Either that their meeting was not warranted by the laws of the land, or that they were about a sinful work. The first could not be alleged with any colour of law, because there was no standing law then in force against such meetings; for whatever law there was of that nature before, was made null and void by posterior acts of parliament, which posterior acts were not as yet rescinded; and further, what great wrong was it for so many ministers to meet together in a private chamber for such an end, when as many and more profane persons will be suffered to meet daily to drink and debauch? And what could these worthies have suspected now, seeing the like liberty was enjoyed while the land was under the feet of oppressors? Might not they in reason have expected as good quarters at the hands of their own governors as they got from strangers and enemies? But it is like the work they were about gave offence. It is true they were pleased to brand it with the names of *treason* and *sedition*; but whether it was so or not the reader will be better able to judge when he hath pondered

and considered the true copy of their supplication, which is here following.

"Most gracious and dread Sovereign,—We, your Majesty's most humble subjects, considering the duty which, as Christians, we owe to our Lord Jesus Christ, who is King of kings and Lord of lords, and which, as subjects, we owe unto your Majesty, as our native and lawful king under him, we do hold ourselves bound to tender unto your Majesty this most humble address and supplication. How hateful the actings of the late usurped powers,—in offering violence to the parliament of England; in their unchristian and barbarous murdering of your royal father; in their insolent changing of the ancient civil government of the kingdom of England; and, by armed violence, unjustly secluding your Majesty therefrom; in their most unjust invading of the kingdom of Scotland, and enthralling of the same in subjection to themselves; and, beyond all, their impious encroaching on the kingdom of Jesus Christ, and the liberties thereof; and in promoting and establishing a vast toleration in things religious throughout those nations, unto the perverting of the precious truths of the gospel, and defacing of the ordinances of Jesus Christ, and opening a wide door to all sorts of evil, heresy, schism, impiety and profaneness,—how abominable these things were to us, the Lord, who searcheth the heart and trieth the reins, doth know, against which we gave many public testimonies before the world, to witness our abhorrence thereof; and the same Lord knoweth, that as we did earnestly pray for, and breathe after his appearing, to witness against those, so (saving that Christian pity and compassion we owe to the persons of men, though our very enemies) we rejoice in his putting down of them that did set up themselves, and in staining the pride of their glory, and in breaking the yoke of their power from off the neck of these kingdoms. We hold ourselves also bound thankfully to acknowledge the Lord's signal preserving of your Majesty's person in the midst of manifold dangers and designs threatening the same these years past; and that, after long exile from your own house and people, he hath been pleased to bring you back to the same; and, when the foundations of the ancient civil government were overthrown, again to make way for repairing of the ruins, building up the breaches thereof, and for establishing the same on right and sure

foundations, in your Majesty's person and family, and to do those things when they were so little expected in so quiet and peaceable a way, and without the effusion of Christian blood, and embroiling the kingdoms in the misery and calamities of a new war. And, as we adore the wonderful and wise hand of God, and bless his name who hath done these things, so it is not only our practice for the present, but our sincere resolution for the time to come, to pour forth the fervent desires and supplications of our soul unto the most High, by whom kings reign, for the preservation and safety of your Majesty's person, and for the multiplication of his Spirit, and increase of it upon you, that you may employ your power to his praise, and the comfort of his people, and for the establishing of your just power and greatness, and in subordination to him, to be faithful and loyal, rendering all the duties of honour, and subjection, and obedience to your Majesty that are due from humble and loving subjects unto their native and lawful prince and sovereign. And we desire to be persuaded, and with confidence do promise to ourselves, that your Majesty will accept of those our professions as proceeding from loyal and honest hearts, and allow us the protection, and countenance, and encouragement, in our station and callings, that may be expected from a gracious king. And, considering the great happiness that ariseth both to kirk and state, and all the members thereof, by the mutual good understanding betwixt the supreme magistrate and the faithful of the land, when it pleaseth divine providence so to dispose, and the many calamities and miseries that, in the holy justice and just indignation of God, do attend the separating or violating of these only sure foundations of states and kingdoms, we are bold, in the integrity of our hearts, and in the zeal of the glory of the Lord, and of the good of his church, and of your Majesty's honour and happiness, and from the sense of manifold and great obligations that be upon us, before the Lord, so to do, and particularly that of the covenant,—‘That what lets we are not able of ourselves to suppress and overcome we shall reveal and make known, that they may be prevented and remedied,’—humbly to present unto your Majesty, and make known the great danger that threateneth religion and the work of reformation in the churches of God in these kingdoms, from the desires

and endeavours of the remnant of the popish, prelatical, and malignant party therein, which is beginning to lift up the head, and not only to render hateful, but to bear down many of your Majesty's good subjects, who have been employed as instruments in the work, and have kept within the bounds of their duty in promoting and preserving the same, so far as human frailty would permit, but also to overthrow that blessed work itself, and to reintroduce Prelacy and the ceremonies, and the service book, and all these corruptions which were formerly cast out, as inconsistent with that pure and spotless rule of church government, discipline, and divine worship, delivered to us in the word of God, as a yoke of bondage that neither we nor our fathers were able to bear; and though we know that that spirit will not want its specious pretences and plausible insinuations for compassing these ends, yet, as there cannot readily be greater disservice to the church of God, to these kingdoms, and to your Majesty's honour and happiness, than actings of that nature, so we cannot, without horror of spirit and astonishment of heart, think upon what dreadful guiltiness, king, princes, ministers and people, shall be involved into, and what fearful wrath shall attend them from the face of an angry and jealous God, if, after all the light that he hath made to shine in these kingdoms from his blessed word, for discovery of the error and impiety of these things, and, after his hand hath been lifted up so high, for casting out of the same, and after solemn vows and engagements, taken upon themselves before God, angels and men, against them,—if they should again lick up the vomit thereof. God forbid that we should either hear or see such heart-astonishing bitter things, which would turn the mirth of the Lord's people into mourning, and their songs into most sad lamentations. Neither are we less apprehensive of the endeavours of the spirit of error that possesseth sectaries in these nations, which as it did at first promote a vast toleration in things religious, and afterwards did proceed to the framing of mischief into a law, so we doubt not but it will still be active unto the promoting and procuring of the same, under the specious pretext of liberty to tender consciences, the effects whereof have, in a few years past, been so dreadful, that we cannot think of the continuing thereof but with much trembling and fear; therefore

knowing that to kings, princes, rulers, and magistrates, appertaineth the purgation and preservation of religion, and that nothing can contribute more unto the preserving and promoting of religion and the work of reformation, than that all places of power and trust be filled with men of a blameless and Christian conversation, approved integrity, and known affection to the cause of God,—we, your Majesty's most humble supplicants and subjects, with bowed knees and bended affections, humbly supplicate your Majesty, that you would employ your royal power unto the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government; and for the reformation of religion in the kingdom of England and Ireland, in doctrine, worship, discipline, and government; and to the carrying on of the work of uniformity of religion in the church of God, in the three kingdoms, in one confession of faith, form of church government, directory of worship and catechising; and to the extirpation of Popery, Prelacy, superstition, heresy, schism, profaneness, and whatsoever is contrary to sound doctrine and the power of godliness; and that all places of trust, under your Majesty, may be filled with such as have taken the covenant, and are of approved integrity and known affection to the cause of God. If, in a matter that so much concerneth the honour of God, the good of his church, and your Majesty's honour and happiness, we be jealous with a godly jealousy, we know your Majesty's wisdom and lenity to be such as will easily pardon; and the sense of our duty to God and to your Majesty, and the fear of these kingdoms' transgressions, by building up again the things that were destroyed, constraineth us to be petitioners against the same, and earnestly to entreat that any beginnings of stumbling which already have been given in those things, especially in the matter of Prelacy, and ceremonies, and the service book, in your Majesty's chapel and family, and other places of your dominions, may be removed and taken away; and that there may be no further proceeding in those things which grieve the Spirit of God, and give offence to your Majesty's good subjects who are engaged with you in the same covenant and work of reformation; and that your Majesty, for establishing the hearts and strengthening the hands of those who are faithful in the work of the Lord, and for quashing

the hopes and endeavours of adversaries, would be pleased to give public signification of your approbation of the covenant; and of your purpose to adhere unto the same, and to carry on the work of God in these kingdoms according thereunto; and that your Majesty's eyes may be upon the faithful of the land, that they may dwell with you. We hope your Majesty will not take offence if we be the Lord's remembrancers to you, that you were pleased, a little before your coming to this kingdom, and afterwards, at the time of your coronation, to assure and declare, by your solemn oath, under your hand and seal, in the presence of almighty God, the searcher of hearts, your allowance and approbation of the national covenant, and the solemn league and covenant, faithfully obliging yourself to prosecute the ends thereof, in your station and calling; and that your Majesty, for yourself and successors, should consent and agree to all acts of parliament, enjoining the national covenant, and solemn league and covenant, fully establishing presbyterial government, directory for worship, confession of faith and catechisms in the kingdom of Scotland, as they are approved by the General Assemblies of this kirk and parliaments of this kingdom; and that your Majesty should give your royal assent to acts and ordinances of parliament passed, or to be passed, enjoining the same in your Majesty's dominions; and that you should observe these in your practice and family, and should never make opposition to any of these, nor endeavour any change thereof. And we desire to be persuaded that no length of time hath made your Majesty forget, or weakened in your Majesty's heart, the sense of the obligation of the great and solemn oath of God in the covenants; yea, that the afflictions wherewith God hath exercised your Majesty these years past, the great and wonderful deliverance that of late he hath granted unto you, hath fixed deeper impressions upon your heart and spirit; and that among all the kings of the earth, reformation of religion shall have no greater friend than your Majesty; yea, that as you are more excellent than the kings of the earth in regard of the purity of profession and solemn engagements unto God, and long exercisedness with manifold afflictions, and in the Lord's setting you over these kingdoms, which are not only, through grace, the first fruits of the Gentiles, but also are, among

all we know in the world, the most eminent for the power and purity of the gospel, so shall your Majesty, in your princely station and dignity, excel them in the zeal of God, and for the kingdom of Jesus Christ; and that by how much more your Majesty, by the constitution and good hand of the Almighty, is lifted up above the sphere of your subjects, by so much more shall your motion be more vigorous and active unto the carrying about, by the influence of your royal head and by your example, all the orbs of inferior powers and persons, in these kingdoms, in subordination to God and your Majesty, in the practice of godliness and virtue. It is the desire of our soul that your Majesty may be like unto David, a man according to God's own heart; like unto Solomon, of an understanding heart, to judge the Lord's people, and to discern betwixt good and bad; like unto Jehoshaphat, whose heart was lifted up in the ways of the Lord; like unto Hezekiah, eminent for godliness and integrity; like unto Josiah, who was of a tender heart, and did humble himself before God when he heard his word against Jerusalem and the inhabitants of Judah, and not only made a covenant before the Lord, to walk after the Lord, and keep his commandments, with all his heart and with all his soul to perform the covenant, but also caused all that were in Jerusalem and Benjamin to stand to it, and took away the abomination out of all the countries that pertained to all the children of Israel, and made all that were present in Israel to serve, even to serve the Lord their God: so shall your Majesty inherit the honour and blessing of these kings upon the earth and their happiness in heaven; so shall your Majesty's person be preserved, and your government established over these kingdoms, which is the unfeigned desire and fervent supplication of your Majesty's most humble and loyal subjects."

Now the reader, having considered this humble address and supplication, may judge if there was anything therein either treasonable or seditious, reflecting on his Majesty and on the government of the kingdom of England, or the constitution of the present committee of estates, or anything tending to the raising of new tumults, and rekindling a civil war among his Majesty's good subjects, as their enemies were pleased to give it out, or which did deserve imprisonment; yea, whether it was not their

duty, and the duty of all the ministers of Scotland, to be thus faithful in giving timely warning and faithful exhortation unto their prince, that they might have prevented, as much as lay in them, the sad defection which was then feared, and indeed followed thereafter. Neither let any say that such things might well be gathered from their other letters, for they had nothing beside that letter, save some scrolls of a letter, and some instructions to one of their number, for no other purpose than for the communicating of the supplication unto the ministers of their judgment in several presbyteries within the synod of Glasgow, and for desiring their approbation thereof and concurrence therein. This is one sad dispensation, but it is only the beginning of sorrow and of much woe following.

#### SECTION IV.

THE SUFFERINGS OF THE NOBLE MARQUIS OF ARGYLE, WHO WAS EXECUTED THE 27TH DAY OF MAY 1661, EXAMINED BY LAW.

While the parliament is in hand with reverend Mr Guthrie, who had been a prisoner since the 23d day of August 1660 (of whom mention shall be made in the next section), they have also the worthy and renowned Marquis of Argyle among their hands; who, though he had a main hand in bringing home the king, and closing the second treaty at Breda, yet, while he is going up to London after the king's late return from exile, to congratulate his Majesty's return, is made prisoner in the tower of London, and thereafter is sent down to Scotland, and indicted of high treason before the parliament, and at length is beheaded, and his head is stuck up on the tolbooth of Edinburgh. Questionless strangers will think it behoved to be some great matter for which the life of such an eminent and famous nobleman, who had been so renowned at home and abroad for his faithfulness and constancy in carrying on the work and cause of God, was taken; but the very truth is, whatever was pretended, the true cause was that which made him so famous, even his zeal and activity for the work of God in his generation; for whatever else they had to lay to his charge, if he had either opposed the

work of God, or done as little for it as many others of the nobles, his life would not have been taken now more than the life of others. It is true other things were sought to colour this business, and, failing one, another, and, failing that, a third, but in the end there is a comprehensive general set down as the ground of the sentence, to this purpose: That he had been an enemy to the king and his interest these twenty-three years or more by-past; which, in effect, is as much as to say, he had been an active friend for the interest of Christ. But, because generals cannot well be proved, they condescended on several particular actings of his, in carrying on, in his place and station, the work of reformation; and when all these failed, they fix upon his compliance with the English (after they had subdued the land in battle and forced the king out of his dominions, had garrisoned the whole land and used it almost as a conquest), by sitting in their parliament when chosen by some shire, and when the rest of the shires of the land had sent their commissioners thither. This his compliance with them at that time, by sitting in their judicatories, and their concurring with his advice and counsel for the good of the land that was now under their feet, is the only particular ground upon which his sentence is founded, and the particular special cause pretended for which he was condemned to lose his head as a traitor, and to have his head put up on the top of the tolbooth as an eminent traitor. A sentence which, questionless, at first view, may make all men of understanding astonished, and to wonder, how ever it could have entered into the mind of the parliament of Scotland to sentence unto death such a peer of the land, such an useful member of the kingdom, and an ornament, upon such a ground, and for such a cause. But if these four particulars be considered the matter will yet appear more wonderful:—

1. The matter of compliance with the English at that time was so far from being accounted treasonable that several of the lawyers (among whom was one Sir John Fletcher, who was now advanced to be his Majesty's advocate, and did accuse this worthy nobleman of treason) did swear and subscribe an oath to be faithful unto the government as it was then established without king and house of lords. Now if there had been treason really in this deed, either

by the civil laws, or by the municipal laws of the land, would not the lawyers have perceived it, whose daily work and study the laws are.

2. If this had been the deed of this nobleman alone, the matter had been less to have been wondered at, but it being such a deed whereof few of the nobles of Scotland were altogether free, yea, whereof many of the members of parliament, his judges, were guilty, the matter is beyond a parallel. It is hard to make *socios criminis* sit as judges, and condemn the accused: reason would require that the table should be purged. Is it not strange for a parliament to condemn one for such a fault for which many of their own members might, with as much justice and equity, be condemned? and is it not strange how they, being, by their own confession, traitors in the highest degree, could sit and judge others? It is true, it will be replied, that his Majesty might pardon whom he pleased; but then it will abundantly appear that not this, but something else was the cause of this worthy nobleman's death. Whatever may be said in point of law, yet it will be a dispute in point of conscience, if kings may pardon such crimes as do deserve death by the law of God, or if such crimes which kings may pardon, of their own accord, and according to their own good pleasure, do before the Lord deserve death.

3. If the parliament had thought this particular worthy to bear so much stress, why would they have spent so much of their time in searching for other grounds to go upon? and why did they not make use of this at the first? but it is like this had never once been mentioned if they had been able to fasten treason upon any other of his actions; and this makes it so much the more to be wondered at, that they would condemn such a nobleman for such a particular, which they would never once have named if they could have done their intended work otherwise.

4. Is it not strange, that of all the compliers of Scotland there was not one, except this nobleman, impannelled upon this account, let be put to death; yea, is it not strange that those noblemen were never once questioned who, being desired by General Monk, when he was entering England with his army, to rencounter Lambert, did abjure King Charles and his interest; and this nobleman must die. Yea, is it not more strange, that one William Purves, who, by

complying, had occasioned almost ruin to many noblemen, burghs, and gentlemen, should have been absolved by act of parliament (as might be cleared if there were a table of the unprinted acts set down after their acts, as is done always in other parliaments); and yet this nobleman must be sentenced to death for complying for the good of the country.

But to speak unto the business in point of law, let these four or five particular queries be considered, and then any shall be able to perceive the iniquity of this sentence:—

1. By what act of parliament is such a deed as this condemned as treasonable? By what municipal law can any member of the kingdom be challenged, upon the account of treason, for treating with a conqueror for life and liberty, and for sitting in his councils, for the good of the country, after that he, with the rest of the body of the land, had fought in the defence of king and country till no more could be done,—after the whole land had been overcome at several battles, and wholly overrun, and had acted nothing for the advantage of the enemy and disadvantage of the king and country before the victory obtained, but in all points had carried as became a loyal subject, contributing all the help, by arms and counsel, which was required;—what act of parliament declareth such a deed as this treasonable, and such a subject to deserve death as a traitor?

2. Was there ever such a practice in Scotland since ever there was a king in it? Several times was the kingdom of Scotland overrun by the kingdom of England, particularly in the days of Baliol, and at that time King Edward caused the nobles of Scotland swear allegiance unto him. But when Bruce came to be king, was there any of the nobles questioned for treason upon that account? And seeing there can no instance be produced out of the history of Scotland since ever it was a kingdom, that any subject, nobleman or other, was accused of high treason for such a cause, surely this nobleman's case was unparalleled.

3. Is not this strange, considering what the principle of royalists is? They say that "conquest giveth a just title to a crown;" so saith D. Ferne, Arnisæus, and Maxwell, in his *Sacro Sancta Regum Majestates*, cap. 17. And by this principle Cromwell was the lawful supreme governor of the kingdom of Scotland, and had just title

and right to the crown thereof, having now conquered the same; and if this principle of theirs be true (which is much questioned by their opposites) no compliance with him could, by any law in the world, be treason against any prince whatsoever, for obedience unto, and concurrence with a lawful supreme magistrate, can be treason against no man living. How then could this nobleman be challenged upon the account of treason for compliance? Let all the royalists answer this, without contradicting themselves, if they can.

4. Is there any lawyer who can produce such a definition of treason against a prince or a supreme magistrate, out of the civil law, as will condemn the deed of this worthy nobleman, and make compliance with a conqueror, for the good and safety of the country, after all means of defence are broken and lost, an act of treason? And since the civil law can condemn no such deed as treasonable, the sentence given out against this nobleman must be without all warrant of law.

5. Are there not many countries, kingdoms and cities, that have been overrun by their enemies, and have had their own lawful governors put from them, and so have been forced to live under the feet of strangers; and hath it not been usual for them to comply with such as had the present power in their hand, for their own safety, and the good of the place? And was it ever yet heard that such were accused and condemned of treason against their own lawful governors,—thrust from them sore against their wills,—for any such compliance? And is it not wonderful that this eminent nobleman should become a preparative unto all the world?

So then, to put a close to this, let an appeal be made to all governors of commonwealths, statesmen, lawyers, casuists, politicians, canonists and quodlibetists, yea, and royalists, if they will speak consonantly to their own principles, and their answer and interlocutor be had in point of law unto this question, Whether or not, when a land is overcome in battle, once, again, a third time, and a fourth time, so as they are forced to lie under the feet of the conqueror and expect his mercy,—their own supreme magistrate is forced to flee away for his life, without all hope of returning, and so they left without all government but what they have from the conqueror; and when it might



have been expected that he would have ruled them and disposed of them (*jure conquestus*,—as conquered) according to his own pleasure, yet he did admit such as they thought fit to choose to sit in his supreme council, for giving their advice for regulating the affairs of that kingdom and commonwealth which is now conquered and subdued,—can it be treason in any, when chosen by the country, to sit in these councils, and advise what they think best for the good of the country? Or can they, or any of them, be challenged, or accused, and condemned as guilty of high treason, when providence bringeth back the prince, after ten years' absence, for acting so under the conqueror, for the good of the land, to prevent its utter ruin and destruction? And if the answer shall (as certainly it will) be negative, then it is beyond all question that the sentence and execution of this worthy nobleman, upon this sole account, shall be matter of astonishment to all that hear of it and know the cause thereof.

Thus a great prince falleth; and, within five days thereafter, a great prophet falleth, as shall be shown in the next section.

## SECTION V.

THE GROUNDS OF THE SUFFERINGS OF MR. JAMES GUTHRIE, MINISTER AT STIRLING, WHO WAS EXECUTED THE 1ST DAY OF JUNE 1661, EXAMINED.

After the parliament is assembled, Mr James Guthrie, minister at Stirling, who was one of those ministers who was incarcerated for the cause above mentioned, sect. 3, and who, after some weeks' imprisonment in the castle of Edinburgh, was carried thence and imprisoned in Dundee,—from thence is sent for by the parliament, and impannelled before them, being accused of high treason. He was a man who had been honoured of God to be zealous and singularly faithful in carrying on the work of reformation, and had carried himself straightly under all changes and revolutions; and because he had been such an eminent one he must live no longer, for he is condemned to die, and most basely handled, as if he had been a notorious thief or malefactor: he is hanged, and afterward his head is stuck up upon one of the ports of

the city of Edinburgh, where it abideth unto this day, preaching the shameful defection of those who dealt thus with him, and calling to all who go out and in at the gate of the city to remember their covenant with God, for which he died a martyr. But it is like many will think it behoved to be some great crime for which this eminent servant of the Lord was thus handled. But what if it be no such crime? yea, what if it was a duty for which he was thus put to suffer? Reader, thou shalt hear it, and then thou mayest judge: Some ten years before, he was challenged by the king and his council for a doctrinal thesis which he had maintained and spoken to in sermon; and because he found them incompetent judges in matters purely ecclesiastical, such as is the examination and censuring of doctrinal points *primo instanti*, he did decline them upon that account. This is his crime, and for this he is condemned as guilty of high treason; and this will be the more wonderful if thou consider how, as thou hast heard, many worthy and precious servants of Christ did decline the king and his council in the days of King James, such as Mr Balcanquhal, Mr Melville, Mr Blake, Mr Welsh, Mr Forbes, and others, as incompetent judges in matters purely ecclesiastic, and yet there was never one of them put to death. It is true there was an act of parliament, *anno* 1584, discharging such declinatures under the pain of treason; but the very next year, 1585, King James himself did emit a declaration, showing that "he, for his part, should never, and that his posterity ought never, to cite, summon, or apprehend, any pastor for matters of doctrine in religion, salvation, heresies, or true interpretation of Scripture, but avoucheth it to be a matter purely ecclesiastical, and altogether impertinent to his calling;" which, though not equivalent to an act of parliament, yet whether it may not be a *supersedeas* to an act, and a ground of exemption to the subject from the rigour thereof till the law be revived by a posterior act, which was never yet done, lawyers may judge. But, which is more, there is an act of parliament, *anno* 1592, declaring that that former act "shall nowise be prejudicial, nor derogate anything to the privilege that God hath given to the spiritual office-bearers of the church concerning heads of religion, matters of heresy, excommunication, collation or deprivation of ministers, or any such like essential censures, specially

grounded and having warrant of the word of God." And, which is more considerable, the parliament, *anno* 1648, did disclaim any such power of judging in church matters, and took it for an unjust challenge and charge to say that they took an antecedent judgment in matters of religion, for in their letter to the presbyteries of Scotland, being their act 16, May 11, 1648, they have these words: "Neither can it be with any truth or justice in any sort alleged that we have in the least measure wronged or violated the true privileges or liberties of the church, or any way taken upon us the determination or decision of any matters of faith or church discipline, though we be unjustly charged with taking an antecedent judgment in matters of religion." By which every one may see that the parliament did look upon themselves as an incompetent judge in matters of faith or religion *primo instanti*, or antecedently unto the decision and determination of the church. And now let lawyers judge, whether, when the parliament, the supreme judicature of that land, doth declare themselves incompetent judges in matters of religion, the privy council (which is a judicature inferior to the parliament by the fundamental laws of that land, having its original power and antiquity from the king's Majesty and the estates of parliament, and so is subordinate thereto, and ought to be accountable to, and censurable by them, according to the 12th act of parl. 2, King James IV: see for this, act 27, parl. 2, of King Charles I., 1640) may become judges whereof; and whether, seeing, by confession of parliament, they can be no less incompetent judges than the parliament itself, it can be truly treasonable to decline them. Though it were granted that that act of parliament, *anno* 1584, were no way weakened by the other act, *anno* 1592, which yet is expressly explicatory thereof, yet it could no ways be treasonable in him to decline the council as an incompetent judge to him in that case, because the act, *anno* 1584, is to be understood in such cases only in which they are proper judges. But it will be replied that the act maketh them "judges competent to all persons spiritual or temporal in all matters wherein they, or any of them, shall be apprehended, summoned or charged." *Ans.* True, the act speaks so in the general, and yet it is well known that, notwithstanding thereof, any of his Majesty's subjects might decline them,

when cited for causes the cognition whereof did properly belong to another distinct judicature, such as the court of exchequer, or the lords of the session; so that this *all* is to be restricted to such causes as do belong to them. And under it causes purely ecclesiastic cannot be understood, because of that which the parliament, *anno* 1648, said. Parliaments know best what causes belong to their cognition: and what doth not belong to a parliament will never belong to a privy council. If it be replied again, that the meaning of the parliament, *anno* 1584, was to give the council power in church matters, because this act was devised of purpose to hinder ministers to protest against the king and his council, as they had done before,—*Ans.* That is true; but that will say nothing now when the parliament, *anno* 1648, hath declined to be judges in such matters,—and parliaments can best expound their own laws and acts, and can best explain the extent of their own power, and, consequently, can best declare what causes those are of which the privy council is competent judge, and what not; and when they declare that themselves are not competent judges in matters of doctrine and religion, they do more than sufficiently declare that the privy council is not a competent judge in those matters. But for all this this worthy man must die, and he dieth a martyr for the truth against the Erastian abomination.

## SECTION VI.

### THE SUFFERINGS OF SOME OTHER MINISTERS RELATED.

Among other acts of the committee of estates, there was a proclamation, which they caused be read at all the church doors of the kingdom upon the Lord's day, in which they discharged ministers to speak or preach anything against them or their proceedings: and this was to command them to handle the word of the Lord deceitfully, to become false prophets, and to preach smooth things and to prophesy deceits,—whereby the malicious and ill-affected people who did not love their ministers were encouraged to give in delations of such and such things as they thought good to allege against them, as uttered in their sermons,

and bring in any profane persons they pleased for witnesses. By which means some (though many were in no hazard, thinking it commendable prudence to be silent at such a time) were brought to trouble, both by the committee of estates and by the parliament, being imprisoned or confined, and otherwise hardly used, though little of what was alleged could be proved against them. Moreover, there was one minister, who, after the parliament had annulled the covenant, and passed many other acts against the work of reformation, thought himself bound in conscience to give faithful and free warning, and to show the greatness of the sin of backsliding and defection from the cause and truth of God, and to protest publicly, in a ministerial way, for his own exoneration, after the example of Samuel at the commandment of God, against the course of defection carried on, and all acts made in prejudice of the covenanted work of reformation: for which cause he was summoned before the parliament, and at length condemned of treason and sedition only upon that account, and thereafter was banished out of all his Majesty's dominions. And if any say that ministers should have been silent, and not meddled with state affairs, let answers which the famous Dr Voetius giveth in his *Polit. Eccles.*, p. 982, 983, &c., be considered, which are these:

1. It is the duty of ministers to give faithful warning unto people, Ezek. ii. 17, 22;
2. This was not to meddle with the polity, but with the abuse of it by men in power;
3. Rulers, no less than others, must be touched when they provoke God to wrath by their carriage, 1 Thess. v. 11; James v. 20; 1 Sam. xv. 14; Isa. lviii. 1;
4. Then they should never speak to a hundred places of Scripture which do speak so directly against magistrates abusing their power. See what he saith further to this purpose there, in answering the rest of the objections, and how he cleareth it from Acts vii. 51; Hos. ii. 1; Dan. iii. vi.; Acts iv. v., vi.; Hos. iv. 15; Jude 23.

About this same time there is another minister banished *indicta causa*; for while he was going towards Ireland upon some particular occasion, he was brought back by the command of the committee of estates, and committed to prison until the meeting of parliament, and then receiveth summons of treason, to which, when he had desired some time to answer, he is sent back to pri-

son, and, when he expecteth to be called upon to give in his defences, he was sentenced with banishment out of his Majesty's dominions.

And, which is more to be wondered at, neither these two ministers, nor any other who were afterwards banished, as shall be shown, could ever to this day get an extract of their sentence, which no judicature in the world could ever have refused in equity and justice; yea, because the power of the parliament and council of Scotland could reach no further than their own bounds, and so could banish none any further than out of Scotland, they devise another way, and draw up a bond, wherein the subscriber bindeth himself, under the pain of death, to remove out of all his Majesty's dominions betwixt and such a day, and not to return without license, under the pain of death; and this bond they caused the banished ministers subscribe before witnesses; which they were all necessitated to do to save themselves from worse. Judge, reader, if this was not both cruel and unreasonable.

## SECTION VII.

CONCERNING THEIR SUFFERINGS WHO REFUSED TO OBSERVE THE ANNIVERSARY DAY.

Among other acts of the first session of parliament, there is one for a solemn anniversary thanksgiving, wherein they statute and ordain, "That in all time coming the 29th day of May (which was the day of his Majesty's birth and restoration to his government) be set apart as a holiday unto the Lord, and that in all the churches of the kingdom it be employed in public prayers, preaching, thanksgiving, and praises to God, for so transcendant mercies, and that all trade, merchandise-work, hand-labour, and other ordinary employments, be forborne, and the remaining part of the day spent in such lawful divertisements as are suitable to so solemn an occasion." Unto which act many of the ministry did give obedience through fear, but others could not in conscience yield, not only because it is not in the power of any under heaven to appoint anniversary holidays, the Creator alone having reserved that power into his own hand, to consecrate any portion of time

he pleaseth, and make it holy, so as holy duties must attend it, as holy duties and acts of worship attend the Sabbath-day, the only holiday which is now warranted by the word of God,—it is true the church may, when God, by his providence, is calling to mourning, to fasting, or to thanksgiving, set some time apart for these duties of praying or rejoicing, but then the time doth attend the duties called for, and the duties do not attend the time, as they do the Lord's day,) but also because of the grounds and reasons of the solemnising of that day, which are contained in the narrative of the act, unto which no man who had not made shipwreck of faith and of a good conscience could consent, as every one may see who will but ponder the act, a part whereof (to give but a taste of the whole) followeth: "The estates of parliament of the kingdom of Scotland, taking to their consideration the sad condition, slavery and bondage this ancient kingdom hath groaned under during these twenty-three years' troubles, in which, under the specious pretences of reformation, a public rebellion hath been, by the treachery of some, and mispersuasions of others, violently carried on, against sacred authority, to the ruin and destruction, so far as was possible, of religion, the king's Majesty and his royal government, the laws, liberties, and property of the people, and all the public and private interests of the kingdom, so that religion itself hath been prostituted for the warrant of all these treasonable invasions made upon the royal authority, and disloyal limitations put upon the allegiance of the subjects," &c. By which, and what followeth, it may be obvious to all who read and consider the said act, that none could so much as preach on that day, or give any countenance to such a work, unless they would condemn all which had been done for twenty-three years' space in carrying on the work of reformation, as being the height of treachery and rebellion, designedly and purposely carried on under the specious pretexts of reformation; and what faithful minister durst adventure on that, to condemn king and parliament, church and state, and themselves, too, as traitors and rebels, unworthy to live any longer? Can any expect that ministers, before they be convinced of a fault, should be so rash and unadvised as to go to pulpits with ropes about their necks, and declare before all that they had been so long (and possibly all

their days, as to some young men) living a life of rebellion against the lawful magistrate, carrying on a course of rebellion, to the ruin of religion, king and kingdom? And can it be expected in reason that such as refused to countenance that day should be condemned by any who shall but seriously consider what are the consequences of such a compliance? Neither let any say that it was out of disrespect to his Majesty that any minister did refuse to countenance the work of that day, for all of them did willingly keep a day of solemn thanksgiving at his coming home, and presbyteries and synods did cheerfully appoint days for that effect. That which the famous and learned Voetius observeth concerning such days in his *Polit.*, p. ult., namely, "That it may come to pass that the time when such an anniversary day should be kept may be a time when God calleth for fasting and mourning, then such may look for that woe (Isa. xxii. 12, 13), as rejoice when they should mourn," is considerable; and whether it was a fit season then to rejoice or not, let the reader judge, when he considereth that, upon the Monday before that anniversary day, the famous Marquis of Argyll was executed, and, upon the Saturday thereafter, faithful Mr Guthrie was put to death. And that also which he saith against ministers keeping a sinful fast, p. 993, holdeth good here; for ministers were clear that this was against the common cause of God; and therefore many who could not satisfy themselves with some fine distinctions and evasions, to reconcile themselves unto the public laws, resolved, with the primitive Christians, to hazard their reputation of loyalty (as Stillingfleet sheweth in his *Origines Sacrae*, p. 321) rather than to countenance such impiety.

#### SECTION VIII.

##### THE GROUNDS WHY MINISTERS REFUSED TO GO TO THE PRELATES' COURTS CLEARED.

A little after his Majesty's return, he was pleased to write unto the presbytery of Edinburgh (who were to communicate it unto the rest of the presbyteries of the kingdom) a gracious letter, as it was called, wherein he promised to own and countenance the government of the church as it was

established by law, whereby many took him to mean presbyterian government; but others feared a design to overturn presbyterian government, and to introduce Prelacy (as afterward it came to pass); and when the parliament did rescind all acts and statutes made in favour of presbyterian government, and did devolve the power of settling the government of the church upon his Majesty, they did, by their 16th act, allow the present administration by sessions, presbyteries and synods, for a time; but at length Mr James Sharp (a man who had formerly been intrusted by several of the ministry, and confided in as one who would prove most faithful unto the presbyterian interest, but now had betrayed his most intimate brethren, and laid down a course for overturning his mother church, and thereby declared that he was a most unnatural child of that church), and other three ministers with him, went up to London, where, first being made and ordained deacons, and after that presbyters, they are consecrated bishops upon the — day of —, 1661; and, withal, there is a proclamation from his Majesty, of the date, at Whitehall, the 6th of September, 1661, declaring "his royal pleasure to be for restoring of the government of the church by archbishops and bishops, as it was exercised in the year 1637; and that he had nominated and presented persons to the several bishoprics of the kingdom of Scotland of whom some have been lately consecrated and invested with the same dignities, church power and authority, which was formerly competent to the archbishops and bishops in the reigns of his royal grandfather and father, of blessed memory, and that the allowance of presbyterial government is now of itself void and expired, as being only for a time, &c.; and so the jurisdiction and exercise of church government should be ordered in their respective synods, presbyteries, and sessions, by the appointment and authority of the archbishops and bishops according to their privilege and practice." In obedience to which proclamation, the privy council, Jan. 9, 1662, did make public "intimation thereof, and discharge all ecclesiastical meetings in synods, presbyteries and sessions, until they be authorised and ordered by the archbishops and bishops, upon their entry unto the government of their respective sees, which is to be done speedily." Whereupon, at the time of the meeting of the pro-

vincial synods, noblemen and others were sent to raise them by force.

But, thereafter, when these four return from London, and consecrate the rest, there were acts made in the second session of parliament, namely, 1662, "redintegrating them to the exercise of their episcopal function, and to all their privileges, dignities, jurisdictions, and possessions due and formerly belonging thereunto;" as also there is an act "ordaining all ministers to repair unto the diocesan assembly, and concur in all the acts of church discipline as they should be thereunto required by the archbishops or bishops of the diocese, under the pain of being suspended from their office and benefice till the next diocesan meeting, for the first fault, and, if they amended not, to be deprived, and the church to be declared vacant." But, notwithstanding of this act, all such ministers as were resolved to keep a good conscience, did forbear to go unto these meetings, or unto the other meetings which they call exercises,—in which meetings the prelate, and such as he named, did not only preside, but ruled as they pleased,—not only because the privileges of the judicatories were encroached upon and wronged by the prelate presiding at his own hand, without the consent of the rest, contrary to the constant practice of that church, and because a constituent member of these judicatories, namely, the *ruling elder*, was excluded, contrary to the principles of presbyterian government, the practice of that church from the beginning, the practice of all other reformed churches, and of the primitive church, and contrary to the judgment of many eminent divines, both there and abroad, who have clearly made it to appear out of the Scriptures, that Christ hath instituted such officers (and these should have more weight than those three mentioned by the author of *The Seasonable Case*, p. 11, as of another judgment), but also because these meetings now differ from the meetings and judicatories which the church had before, not only in name (they being now called diocesan meetings, and not synods and presbyteries), but also in thing. The former judicatories are razed and overturned, and these new meetings are erected upon a new basis, the king's power and prerogative to settle what form of church government he thinketh best; and they are now authorised and ordered by the prelates, and so they are pieces and

parts of the prelatical government, and therefore they are distinct from what they were before; so that no minister that made conscience of his covenant and vow for presbyterian government, and against prelatical, could, with peace and freedom, keep or countenance these meetings.

It is replied by the prelates' procurator, the new Casuist, in his pamphlet called *The Seasonable Case*, &c., p. 12, "That the meetings, now and before, are of the same constitution, nothing altered, nor any more holding of bishops, now when the king's Majesty hath taken off the restraint which for a time he put on, than if he had not at all restrained them." But this is no satisfactory answer. His mere denial will not avail much with indifferent men of understanding; for the difference is clear, because, 1. Formerly church judicatories had power within themselves to nominate and appoint their own moderator; now it is not so. 2. Formerly church judicatories and church power did flow from the Lord Jesus Christ immediately, as being the only head of his church; now they flow from another fountain, namely, the king as the fountain of all church power, and therefore is the government called "his Majesty's government ecclesiastical" in the act of council, July 10, 1663; and the prelates, in the discharge of their office, are said to do "service to his Majesty in the church," in the act of council, January 9, 1662. 3. Formerly church judicatories did meddle with every scandal; now they must meddle with no more than the prelate pleaseth. 4. Formerly presbyteries had power to voice and to determine by their decisive suffrage; now they are but the prelate's counsellors, of whose council and advice he maketh what use he thinketh fit. 5. Formerly there was none, in those judicatories, who had a negative voice; now the bishop hath it, and the rest are but ciphers. 6. Formerly, in these judicatories, there were ruling elders, but now that constituent member is not admitted, which particular alone will sufficiently evidence that the face and frame of the judicature is altered; and since it is so, any man of understanding may easily perceive such a difference as maketh those meetings now to depend upon the king and upon the prelate, who hath a negative voice in them, and whose diocesan meetings they are, being now modelled conform to the number of prelates, while as before, in some dioceses,

there were three provincial synods. Moreover, the passage which was cited before out of the proclamation, January 15, 1662, clearerth this abundantly; for there it is said expressly, that the administration of the church, in the way it had been (that is, the administration of presbyterian government), is inconsistent with that which is now established, or episcopal government; and the council is better to be believed than this man who speaketh without ground. Again, why did king and council discharge those meetings? but because they were making way for the settling of episcopacy. And, finally, why is the jurisdiction and exercise of church discipline, which was allowed for a time, set in opposition (to the jurisdiction and exercise of church government ordered in the respective synods, presbyteries and sessions, by the appointment and authority of the archbishops and bishops thereof, according to their known privilege and practice conform thereto), if not to clear this difference?

He objecteth, p. 8, and saith, "That the supreme magistrate hath undoubted power to convocate synods when he seeth it needful—and no Protestant minister would refuse to come at his command; nor is there any rank or degree of subjects that can, without the stain of sinful disobedience, refuse to meet upon his Majesty's command, and ministers cannot plead exemption from the common duties of subjects." It is answered, 1. It is true ministers are subjects no less than others, and are obliged, in conscience, to subject themselves unto the civil magistrate, in the Lord, no less than others; but, 2. Neither ministers nor others are bound, at the magistrate's command, to sin against God, it being always better to obey God than man; and here, in obeying this command, ministers should have heinously sinned against God; for, 1. They should have thereby acknowledged, upon the matter, that the magistrate's power, in church matters, is such, as that he may appoint what form of government he will, which no Presbyterian in conscience could yield to, without wronging of Christ, the head and king of his church, as shall in due time be made further to appear. 2. They should have thereby testified and acknowledged their approbation of episcopal government, contrary to their oath and subscription; for this was pressed as a badge of conformity and sign of subjection unto episcopal go-

vernment, as the proclamation of the privy council before-mentioned doth abundantly clear; and these meetings are mere episcopal meetings, as is shown. 3. And as to the ground of the objection, namely, that the magistrate hath power to convocate synods, it would require a longer time than can be now allowed to discuss the same, and to try how and in what cases it will hold good; but this is certain, that the judgment of the church of Scotland as to this particular, as may be seen in the act of assembly, 1647, approving the confession of faith, and prefixed thereunto, is, "That in churches constituted (such as the church of Scotland was) the magistrate's authority is not sufficient to call a synod without any other call; that is, without delegation from their churches, and that is free to ministers to assemble together synodically, as well *pro re nata* as at the ordinary times, upon delegation from the churches, by their intrinsic power received from Christ, as often as it is necessary, in case the magistrate deny his consent." But be it granted (as in some cases it may), yet it will not follow that, therefore, ministers were bound in conscience to have countenanced those meetings, and that for these reasons: 1. Because these were no extraordinary synods called by his Majesty *pro re nata*; nor, 2. Were they any of the former synods used while presbyterian government was in force; but, 3. They were new meetings, upon new principles, having their rise from a new spring and fountain, and constituted otherwise in a new form, and so they were no meetings consonant unto the principles of presbyterian government, but wholly dissonant, and meetings complying with, and flowing from, episcopal power and jurisdiction, and ordered by prelatical authority and appointment. 3. Countenancing of these meetings upon the matter, would have been an assenting and consenting unto the pulling down of presbyterian government, which they were sworn to maintain. 4. Yea, it would have been a fearful matter of offence and stumbling unto the godly and truly tender, and a hardening of others who had complied, and, withal, a dangerous casting of themselves into temptation, as experience doth abundantly prove daily, and therefore this command could not be obeyed; for no command of a magistrate can warrant any to sin, by doing that which is in itself sinful, yea, or what is a real ground of offence unto

others (providing the matter be not absolutely necessary, antecedently, unto the command of the magistrate).

But he addeth, "Is this rational, that, where two commands of the magistrate are joined, the one undoubtedly lawful, the other doubted of,—that subjects should disobey the magistrate in that which is clearly lawful, because they have a doubt or uncleanness anent obeying him in the other command? —had they come to the place it would, *pro tanto*, have showed their respect unto authority." *Ans.* It is a great question if this man speak rationally here. Doth he think that the civil magistrate did intend two commands in that one? He may as well say that he did intend twenty. Will he so metaphysically anatomise the commands of councils and parliaments as to render them ridiculous? Would he have had ministers sporting and jesting in such a serious matter with the supreme magistrate? If they had come to town and seen what o'clock it was, and then returned home, would this Casuist have cleared them either *pro tanto* or *pro toto*? Nay, he would, without all doubt, have exaggerated that crime as the height of contempt, and as an open preaching and proclaiming of their contempt unto the world; but, in such a sad declining time, the faithful ministers of Christ had some other thing to think upon than thus to sport themselves and mock authority, by halving or quartering the commands and injunctions thereof; and therefore would neither get on horseback, nor come half the way, nor to the place appointed, because they might not, in conscience, concur with the prelate there in that diocesan meeting, which was the only thing commanded; and their coming to the town was no more commanded (save as subservient thereunto) than their rising out of their bed that morning, or their taking horse, &c.

In the third place he addeth, "What ground could they have for separation from the synod? Is it the want of liberty to choose a moderator? Is it that he who presideth is a bishop, and claimeth more power than they can allow, as of a negative voice? or is it the want of unpreaching elders in the meeting?" It is neither any of these alone, nor all of them together, is the full and complete ground; but this, That it is a meeting called together by the civil magistrate, assuming to himself power to cast

down the established government of the church and the primitive government, and to settle what kind of government he thinketh fit, as best complying with his own and his subjects' humours, and who, accordingly, hath razed to the foundation presbyterian government, unto which both he and all the lands were sworn, and is setting up prelatical government, against which he and all the lands have sworn; of which these three particulars mentioned are so many evidences. And that they are so cannot be denied; for, 1. Whatever truth be in this assertion, that ecclesiastic judicatories have a divine warrant for choosing their own moderator, this is clear and undeniable, that while presbyterial government was in its integrity and vigour the assemblies of the church, national, provincial and presbyterial, had this privilege, to elect their own moderator; and whenever prelates began to rise and get entrance in that church, this encroachment, among others, she did suffer at their hands; for they knew that *invasio perpetuæ dictaturæ* would be *via ad imperium*,—constant moderators would usher the way for domineering prelates (as was shown sect. 1). And, therefore, this is a clear evidence of the change of the government from presbyterial to prelatical. Further, though that which Zeperus saith, namely, *Presides ecclesiastici, &c.*,—"The moderators or presidents of the ancient councils were sometimes named by the emperor," be true, yet it will be a mere *non sequitur* to conclude thence, as this author doth, namely, "That it is lawful for the Christian magistrate, upon whom the external ordering of all the judicatories in his dominions depends, to nominate out of a meeting of ministers, convened by him, one of the number, to order the actions of the meeting, and by his authority to control the unruly," not only as being a concluding of a general from a particular, but as being a putting into the conclusion what is not in the premises, and a mixing of heterogeneous things together. What he meaneth by this "external ordering of judicatories," who can tell? unless it be all that power which ordinarily is exercised by a moderator. And will he say that the magistrate ought to choose all the moderators? Hath the supreme magistrate any more interest in those meetings, or hath he so much, as he hath in civil meetings? and doth he appoint all the mouths of these meetings? But have not church judicatories within themselves

power for their own external ordering? Who then ordered the synod at Jerusalem? Acts xv. To say the magistrate was not then Christian, and therefore it did not belong unto him, is enough to prove that it doth not belong to him as a magistrate. But there is enough said to this here, which is but barely asserted by him without proof; and, 2. As to the next, whatever be asserted concerning that which Mr Baxter and Mr Vines (as he reporteth of them) say, namely, "That for peace, presbyters may suspend the exercise of their just authority, and resolve to give to one person of their number a negative voice." Though many more divines, with greater reason, think that, seeing God hath given them no power whereof they may denude themselves when they think fit, and suspend the exercise of at the nod of any other, it cannot be lawful for them to give that negative voice unto any; yet this is undeniable, that there never was any such thing claimed by, nor granted to any, all the time that that church enjoyed presbyterian government; and it is as undeniable that, so soon as prelates got up unto their chairs, they challenged that negative voice to themselves, as their due, and took it whether presbyters would or not; and so have the prelates done to-day. And therefore this concession of these eminent men, were it never so true, as it is denied by many, is nothing to the point; for, by this one particular, it is as clear as the noonday that the government is altered from presbyterian to episcopal, and therefore, though it be true that the personal fault of another cannot be a good ground for brethren's withdrawing from their duty, yet when, by their concurrence to consult alone (when, by God's law, they have equal authority with any that sitteth there) they shall consent unto that change of government, it becometh sin and not duty; for now all presbyterian government is overturned, they see prelates set up as before: so that if they concur they cannot avoid sin. To say, as he doth a little before, p. 8, "That it might be permitted to them, if they entreated for it, to ease their consciences, by signifying their scruples, so be they would do it with that inoffensive modesty, humility and respect unto the supreme authority, and to the laws of the land," is to please the simple (that believe every thing) with a fair word; for it behoved to be done with such inoffensive modesty, and humility, as nobody should



either hear or know of it,—otherwise, they might be sure it would be accounted disrespect unto the supreme authority and to the laws of the land, and they might expect presently to be attacked and processed. Lastly, as to the third particular, Whether the opinion of Mr Vines, Mr Baxter and Mr Blondel (if he speak truth), in denying the divine right of ruling elders, be assented unto,—or rather, the contrary opinion, which is owned by so many churches and professors, and particularly by the church of Scotland, from the beginning, yet this is clear, that that church had still such officers so long as she was governed *communi consilio presbyterorum*,—by presbyteries; and no sooner did prelates usurp the place but they shouldered these officers to the door; and therefore this is another palpable evidence that the nature of these meetings is changed from presbyterian to episcopal: so that to concur, by meeting with the prelates at their diocesan meetings, must be an approving of Prelacy; and this cannot be done without perjury.

But he objecteth, p. 12, thus: “Our worthy ancestors choosed rather to concur with such meetings than to desert them.”  
*Ans.* The case then and now differeth far; for then these judicatories were standing when the prelates were brought in upon them, and ministers were then bound to keep possession of their rights so long as they could, and by meeting in the judicatories (there being no restraint laid upon them by law from speaking their mind freely, and protesting as they saw occasion, as is now, when such actings are declared treasonable and seditious) they were in a capacity to do something for vindicating of church privileges, at least for exonerating their own consciences, yea, and for curbing, in a great part, the prelates’ power. Whence it was that neither the prelates nor the estates did ever command ministers to attend those meetings, but rather wished, with all their heart, that they had forborne to come; but now presbyterian government is quite overturned, all presbyterian assemblies are discharged under the highest pain, and, after prelates are advanced, and never till then, there cometh forth a new order for new meetings upon new principles,—meetings otherwise constituted than formerly; in a word, such meetings as did but serve to approve of and confirm prelates in their place and power, and therefore all were com-

manded by the estates to concur with the prelates in their meetings under a penalty. So that it is but a mere falsehood to say “that the meetings then and now are of the same constitution, nothing altered;” for then they were hedges standing in the prelates’ way, though much weakened by reason of the civil power opposing, but now they are props to support and strengthen the hands of the prelates, as being wholly ruled and guided by them.

By what is said it is hoped that tender Christians will see that there was no small ground of scrupling at these meetings, and that they will be loath rashly to condemn such as feared to transgress in the least, and resolved rather to suffer than to sin, seeing it is now beyond controversy that their concurring in those meetings had been, upon the matter, a consenting unto, and an approving of prelatical government, upon which account alone the faithful servants of Christ did refuse to concur.

## SECTION IX.

### THE REASONS WHY MINISTERS REFUSED TO SEEK PRESENTATIONS AND COLLATIONS CLEARED AND DEFENDED.

Thus the Lord was pleased to keep his servants out of this snare which the prelates had caused plait for their consciences, but there are others and stronger following. The parliament, in their second session, *anno* 1662, made an act, ordaining “all ministers who had entered to the cure of any parish within burgh or land, in or since the year of God 1649, to have no right unto, nor uplift the rents of their respective benefices, modified stipends, manse or glebe, for this instant year 1662, nor for any year following, unless they should obtain a presentation from the lawful patron, and have collation from the bishop of the diocese where he liveth, before the 20th of September next.” For understanding of this it would be considered, that, before the year 1649, the church was groaning under that sore oppression of lay patrons having power to present ministers unto benefices, and then the parliament was pleased to discharge all presentations of kirks and patronages, whether belonging to the king or to any lay patron, upon good and weighty grounds, as

the narrative of their 39th act, March 9, 1649, sheweth, in these words: "The estates of parliament, being sensible of the great obligation that lieth upon them by the national covenant, and by the solemn league and covenant, and by many deliverances and mercies from God, and by the late solemn engagement unto duties, to preserve the doctrine, and maintain and vindicate the liberties of the kirk of Scotland, and to advance the work of reformation therein to the utmost of their power; and considering that patronages and presentation of kirks is an evil and bondage under which the Lord's people and ministers of this land hath long groaned, and that it hath no warrant in God's word, but is founded only on the common law, and is a custom popish, and brought into the kirk in time of ignorance and superstition, and that the same is contrary to the second book of discipline, in which, upon solid and good ground, it is reckoned among abuses that are desired to be reformed, and unto several acts of the General Assembly, and that it is prejudicial to the liberty of the people, and planting of kirks, and unto the free calling and entering of ministers unto their charge." And after this ministers entered by the call of the people of whom they were to have charge. Now this parliament will have this piece of reformation undone, and the church brought back unto her old state of bondage, and so will have ministers to seek for these presentations, and thereafter to go to the bishop for his license and approbation to officiate and exercise the ministerial function.

But the faithful and zealous servants of Christ had not freedom or liberty to do either of these, and therefore resolved to suffer rather than to sin.

They had not freedom to go to seek a presentation, for these reasons:—

1. Because they saw no warrant for such a way of entering into the ministry allowed of Christ or his apostles, nor practised many hundreds of years thereafter; and therefore to approve of such a way had been a sin.

2. The church had been long groaning under that oppression and bondage, and was desirous to be rid thereof at the very beginning, but could never obtain it until 1649. Now, if they had obeyed this act, and submitted unto this oppression, they had consented unto the spoiling of the church of her privileges, and had condemned that

worthy and renowned parliament who were graciously moved of God to take off this yoke off her neck.

3. They should, in so far, have consented unto the defection now carried on; for this was a piece thereof. The restoring of the church unto her rights and privileges was a part of the work of reformation, yea, and no small part thereof, and when this privilege is taken away the work of reformation is in so far overturned, and therefore such as would have sought presentations should have made defection themselves, and have consented unto, and approved of the parliament in carrying on the work of defection, in so far.

4. By the 36th act of the first session of this parliament, it is "ordained that the person to be presented shall, in presence of the patron, or his attorney, and of the sheriff of the shire, steward of the stewardry, or heritable baillie, or commissioner of the bounds, if it be in the country, and of the magistrate of the burghs within the burgh, before the granting and their accepting of the presentation, take and subscribe the oath of allegiance, otherwise his presentation is null and void of itself." Now, as shall be shown hereafter, no man could, with a safe conscience, take that oath as it was tendered by this parliament.

5. They should have thereby condemned the manner of elections by the people, and consequently themselves, as being hitherto intruders, because entering into the ministry without a lawful call, namely, without the presentation of the patron.

But it will be objected, That all the ministers of Scotland who entered before the year 1649 should, by this means, be condemned as intruders, entering without a lawful call. *Ans.* Though patronages cannot but be condemned as sinful, tending to ruin the church, and to defraud her of much advantage (beside the spoiling and robbing her of her privileges and liberties, which are purchased to her by the blood of Christ), because the patron (who sometime may be a profane person, and a persecutor) either hath not understanding to discern the spirits, or will not make choice of the best and most able minister,—yet such as entered that way before the year 1649 cannot altogether be condemned, partly because then the evil of it was not so fully seen and perceived; partly because that evil had not been reformed, and there was no other way of

entry practised or practicable by law; and so, though they might groan under that burden, yet they could not get it helped, and so their fault was less than the fault of such would be who have now seen this evil reformed, and have seen (or at least might have seen) the evil of it, and have been called orderly and duly, conform to the way of election set down in the New Testament for imitation. How great should the guilt of such be if they should now again lick up that vomit, and submit unto that yoke! More may be said for the justifying of those who submit unto a yoke under which they were born, and from which neither they nor their forefathers were delivered, than of those who have been delivered, and yet consent again to go under the yoke, and thereby do betray the precious interests of Christ's church, and with their own hands wreath that yoke about the neck of the church under which she had been groaning many a year before.

It will be objected again, That they have already the consent of the people, being called by them before, and so the church's liberties are preserved, and their entry is valid enough. *Ans.* It is true they have had the call of the people, but that will not make their compliance with this course of defection the less sinful, but rather the more; for by their taking presentations now, they do, upon the matter, declare that they were not duly called before, and so they condemn the way of entry by election as not lawful, and say that the way of entry by presentations from patrons is the only lawful way; for the patron's presentation is not cumulative unto, but privative and destructive of the people's liberty of free election; because, where patrons do present, the people's suffrages are never asked, and, where people have power to elect, patrons have no place to present; so that the one destroyeth the other; and therefore, if any who have been called by the people, any freely chosen, should now take presentations, it would import that, in their judgment, they were never duly called till now, and this were to annul their former election which they had from the people.

Next (which was to them of greater moment), they could not, with freedom of conscience, go to the prelate and seek collation, for these reasons:—

1. Because there is no warrant in all the word of God for any such thing,—no com-

mand for it, no precedent or example of it,—and Christian ministers must walk by the rule of the word. Now the Scripture sheweth no difference betwixt a call and a mission, but both are one, Rom. i. 1; Luke vi. 13; Acts xv. 25; and their ministry being a work, 1 Thessa. v. 12, 13; 1 Tim. v. 17; 1 Cor. iii. 6—10; 1 Cor. vi. 1, and they called "workmen," Matt. ix. 37, 38; "stewards," 1 Cor. iv. 1; "watchmen," Ezek. iii. 2; Isa. lii. 8; "shepherds," Eph. iv. 11; "overseers," and the like, Tit. i. 5, 7; Acts xx. 28; Heb. xiii. 17; Acts xv. 22,—their very call conferreth the power, and layeth an express obligation on them to perform the work; otherwise, by their call and ordination, they should only receive a disposition for the work. See much more to this purpose in Voetius, *Desperata Causa Papatus*, against Jansen the Papist, lib. ii., sect. 2, cap. 17.

2. By this means they should have condemned themselves, as not being lawful ministers before, or at least not such ministers as might lawfully exercise the office of a minister.

3. They should in effect have annulled the ordination which they had by the imposition of the hands of the presbytery; because, by their deed, they should have said that, notwithstanding of that ordination, they had no power to exercise the office, and thus,

4. They should have mocked this ordinance of Jesus Christ, of solemnly setting apart one for the work of the ministry, by saying, in effect, that it is but a mere blind; for notwithstanding that one be solemnly ordained by the presbytery, according to the primitive pattern, yet the person ordained must have his recourse unto another, in a superior order, for liberty to put in exercise what he hath got in *potentia* or in *actu signato*, the like whereof cannot be shown in all the Scriptures. Where read we that ever any who were ordained by a presbytery might not exercise the office without a new license from some other? To what end serveth ordination if it be not for setting of one apart for the work? That office or power is a cipher, and altogether useless, which cannot be exercised, and is not like an office or power granted by Jesus Christ.

5. By this means they should fully acknowledge the power and authority of prelates over presbyters, and so subscribe unto their jurisdiction, and acknowledge them to

be lawful officers of Christ's house, and upon that account submit unto them, which were point blank contrary to their vow and covenant.

It is objected against this by the author of *The Seasonable Case*, p. 16, That "the reverend persons instructed by law to call for that promise from ministers, do not search into men's apprehensions concerning the grounds of their power: all they seek of them is obedience to them in things lawful and honest, as being presently in power, being by law ordinary overseers of the ministry in their duties, and chief ordainers of them who enter into the ministry." *Ans.* There is enough here to deter any from this business; for, 1. There is no warrant in the word to own them as chief ordainers; there are no chief and inferior ordainers mentioned in the word: this then must be a fiction and a human invention, which no minister must acknowledge; for all must go to the law and to the testimony. 2. Nor is there any such power known to appertain to any man to be an overseer of the ministry. It is true the spirit of the prophets is subject to the prophets, but there is no warrant for a bishop over bishops, or for such an officer as is to oversee the ministers: no officers must be owned in Christ's house but such as are of Christ's own appointment. 3. And any other law cannot be owned in those matters, though the law of the land should give to any such a power: subjects are not for that obliged to acknowledge and approve of them as such. The municipal laws of a land will not warrant any new office or officer in Christ's house: it appertaineth alone to Christ as king and head of his own house and church to institute his officers; and it is a fearful encroaching upon the privileges of the crown of Christ for any state or potentate to take upon them to appoint such offices and officers as Christ hath not appointed. Therefore, whether those persons (reverend or irreverend, all is one) that are so intrusted by law to call for such promises and engagements, do search into men's apprehensions concerning the grounds of their power or not, yet the very promising of obedience in things lawful (for in things unlawful obedience must not be promised to any lawful power under heaven) is an acknowledgement of the lawfulness of their power, and of subjection as due unto them, and an owning of them as lawful officers, lawfully installed and authorised; and

because this could not be done, therefore neither could the other be done.

He replieth, 1. "It is not obedience under a reduplication, and as formally obedience, they call for: if it be obedience material they are satisfied." *Ans.* And what more doth the most lawful power under heaven ask? Do they search into the principles of men's doing such and such acts? do they examine the reduplications under which they act? but, 2. Whether they call for it under that duplication or not, it is real obedience they call for; and, 3. The promising of obedience, under whatsoever reduplication, hath in its bosom an acknowledging of the lawfulness of the authority calling for such obedience.

He replieth, 2. "Suppose it were so, that obedience, as formally obedience, were required, yet it were hard to say, it could not be promised, or that it could not be acknowledged that they have any lawful authority for looking upon them as the king's Majesty's commissioners in causes ecclesiastic, for regulating the external order of the church in their several bounds, and empowered by the law of the land so to do, the strictest presbyterians will not find ground to disown their office in that consideration." *Ans.* Then, 1. Prelates are nothing else but the magistrate's commissioners, and have no power or authority *jure divino*, by any warrant of God's law, more than any other of the magistrate's commissioners. 2. Whence had the prelates, in the first three hundred years (if so be there were any such, as this author is bold enough to affirm, but faileth in his undertaking to prove it), their commission? Had they it from Nero and the rest of the persecuting heathenish emperors? And if they had no commission from them, whence had they their power, or by what commission did they act? Or how could they be bishops without such a commission? How will this advocate extricate himself out of these difficulties, and evite a contradiction? But, 3. If they be the magistrate's commissioners in causes ecclesiastic, their power must reach no further than the magistrate's power doth in church causes, namely, the *τὰ ἐξῆς*, or his external order. If he stretch it no further, how then cometh it to pass that they meddle with no more than what concerneth the *τὰ ἐξῆς*? Or will he say that all the causes which prelates, as prelates, meddle with, are but such ecclesiastic causes as are

for the regulating the external order of the church? Then he must say that their chief power in ordination, their chief (if not only) power in jurisdiction floweth from the magistrate, and, by virtue of his commission, they act in that sphere and capacity; and if he say so, he speaketh plainly, but without any ground in the word; for then magistrates might ordain alone, at least have a chief hand in ordaining with others; for what they may commission others to do in their name, they may do themselves. But how or what way shall we see this proved?

Where will he show any example of any magistrate, as such, ordaining or deposing ministers, censuring or excommunicating offenders, since the world began? What a wild notion must this be then! And if this be the basis, which is so rotten, let any judge what the superstructure must be. It were tedious here to launch forth into this debate concerning the magistrate's power in church matters: but sure it was never the doctrine of the church of Scotland, nor of any reformed church, that what power the prelates challenge to themselves as such, did primarily belong unto, and reside in the hand of, the civil magistrate, and might be derived by commission from him unto them. And this must be granted as a truth, if it be once said that prelates act in church matters by virtue of a commission from the supreme magistrate; for a commission is distinct from a command: the supreme magistrate may command ministers to preach and baptise, and do what himself cannot do, and for the doing whereof ministers borrow no power from him; but he cannot properly give them any commission for that effect. The giving of a commission, importeth the conveyance of a power for effectuating that which is to be done by the commissioner, and that the person granting the commission might himself do that which he commissioneth others to do. See this consequence fully cleared by famous Voetius, *Polit. Eccles.*, p. 146, arg. 12. But now, if there were no more to hinder any from acknowledging such a power in the prelates, this is sufficient, that it is granted they have all that power over presbyters by being his Majesty's commissioners, and that they have all that power derived from him, and consequently that they have no such power at all, because he from whom they derive that power by a commission, hath no such power himself;—the

confession of faith of the church of Scotland acknowledgeth no such power in the civil magistrate. The Scripture, by which all are to regulate their actions in the word of God, giveth warrant for no such power. No reformed divine (except Arminians and Erastians) doth acknowledge any such power, nor any confession of faith of any of the reformed churches. Behold then, reader, and see what monsters the prelates are, swollen up to that bigness with mere wind and fancies; and observe by what art they ascend: They make the supreme magistrate believe that all the power belongeth unto him to the end, he may devolve it back again over on them by a commission, and so authorise them according to that, *Tu facis hunc dominum te facit ille deum*. Thus you see they derive their power *a non-habente potestatem*,—from such as have it not to give, therefore their commission is, *simpliciter*, null, and cannot be acknowledged by any faithful minister or Christian; nor can their power be submitted unto. And hence also it is clear what reason these honest ministers had to refuse this acknowledgment, and not to take the canonical oath, which was so contradictory unto the oath of the covenant.

But he replieth, "That there is no contradiction betwixt the covenant and that canonical oath or promise of obedience to the prelate, because Timoreus (who is tender in the matter of oaths) maintaineth that the ministers, who of old took the canonical oath, did not swear the contradictory thereto when they took the covenant, whence it will follow necessarily that they who have taken the covenant do not contradict that oath, if they should take the oath of canonical obedience." *Ans.* Though this canonical oath should not contradict the second article of the league and covenant, yet there is good cause why it should be refused, as hath been shown; and further, what warrant is there for any to require such an oath? Oaths must be warranted by the law of God, and there must be a law for imposing, and so for taking of the oath. It is true magistrates may impose an oath upon their subjects, and so upon ministers as well as others, in things not sinful, and when necessity calleth for it; but that the magistrate may give unto any of his subjects such a power as he hath not himself, and empower that subject to impose an oath upon others, to acknowledge him to be lawfully

so empowered, and to obey him as one lawfully so empowered, will not be so easily granted without proof, which will not be seen in haste, it being so contrary to the rule of God. But, 2. The taking of this oath, and promising obedience unto them, is point blank contrary unto the league and covenant, sworn and subscribed; and that because, by the covenant, they are sworn to endeavour, in their places and callings, the extirpation of such church officers as bishops and archbishops, and this is inconsistent with any owning or acknowledging of them, under that notion; and if any should promise obedience to them as archbishops or bishops, is it imaginable how that, withal, they should not own and acknowledge them? What more owning and acknowledging can they desire than submission and a promise of obedience in all things lawful. 2. And he hath a fancy (I shall not say a judgment) strongly prepossessed with prejudice at truth, who can say, with this author, that "it will be hard to find out a contradiction there, either in terms or by necessary consequence;" for a stronger contradiction is hardly imaginable than betwixt an endeavour to extirpate such or such governors, and a humble submission unto, and acknowledgment of their power, with a promise of faithful obedience thereunto; for he who is bound to endeavour to extirpate them, must never own them as lawful officers lawfully empowered,—he must never submit unto them, nor promise obedience unto them, for a promise of obedience is a promise of owning of them as lawful officers, and so a promise of defending them in their place and power in a lawful manner; and this is diametrically opposite unto an endeavour to extirpate them. 3. As for Timorcus, whom he looketh on as favouring his conceit, it will be found after trial, that notwithstanding of that which he granteth, yet he is of an opinion contrary to this author, as any may see who will take a view of his answer unto that part of the objection (which he is about to answer in cap. 7) which concerneth the oath of canonical obedience. The objection is this: The league and covenant is contradictory to other oaths sworn before, such as the oath of canonical obedience, and therefore is void *ipso facto*. To which he answereth, 1. Thus "suppose (and his supposal is an assertion if he speak to the point) that, upon mature deliberation, the ministers that subscribed that oath

find that it was an unlawful oath, as obliging them to the acknowledgment of such a power in the church as is by no means allowed in the word of God, they are, in such a case only, obliged to be humbled for their rash subscription and taking of that oath, and their second oath will hold valid against them." This is his first answer. And, 2. He saith, "Suppose that the oath of canonical obedience was imposed without authority of parliament, and the parliament, as soon as they took notice of it, declared their dissent to it, and to all oaths imposed without their authority, certainly this should go far with them who make the like plea against us, as to the obligation of the covenant." This is his next answer, by which you may see he looketh upon that oath of canonical obedience as peccant both in matter and form, and that therefore it hath no force to annul the oath of the covenant, which were to no purpose if he looked not on that oath as contradictory to the covenant. But, 3. he answereth, "We will for once suppose the oath materially good and lawful as to the efficient cause, yet certainly the oath is irritated and made void by the parliament's taking away of the matter thereof." Here he giveth, but granteth not, that the oath of canonical obedience was lawful, and yet he asserteth, that notwithstanding thereof, the covenant might have been sworn and stood to, because the former oath was null so soon as ever the matter of it was taken away by authority; and that saith, that the matter of that oath standing, namely, prelacy and prelates not taken away by authority, the swearing of obedience unto them is inconsistent with swearing to endeavour to extirpate them. It is true he addeth these words: "Nor do we understand how any person, by a promise or oath, to be obedient in things lawful and honest to this or that government, doth oblige himself, whatever evil he seeth in such a governor, either through want of just title, or maladministration of his trust, never to endeavour to free himself from that servitude." But thence it will not necessarily follow that they who have sworn the covenant should not contradict the same if they should now take the oath of canonical obedience; because the oath, to endeavour to extirpate, includeth a not giving obedience unto them, as a general includeth a particular, so that he who hath sworn to endeavour their extirpation, hath sworn withal never to obey

them as lawful governors : and so there is a contradiction betwixt the canonical oath and the covenant. The covenant bindeth up such as have taken it from the canonical oath, though the canonical oath could not bind up their hands from the covenant, partly because it was sinful upon the matter, and unlawful as to the power imposing ; and partly because, though it had been lawful, both as to matter and efficient cause, yet the matter being taken away, the act about that object did cease—so saith Timotheus. But whether it be so or otherwise, it is all one now to the purpose in hand ; for the covenant being now taken, any such oath which had been unlawful before, becometh much more unlawful now, and carrieth a contradiction to the covenant in its front.

Thus thou seest what cause the precious and worthy servants of Christ had to refuse obedience unto that act whatever suffering might follow thereupon ; and, indeed, sore were the sufferings which did follow ; for on the first of October there is an act of council at Glasgow, “prohibiting and discharging all those ministers who had contravened the foresaid act of parliament, to exercise any part of the function of the ministry at their respective churches in time coming, which are hereby declared to be vacant ; and that none of their parishioners who are liable in any part of their stipends make payment to them of this instant crop and year 1662, or in time coming, as having no right thereto ; and that they do not acknowledge them for their lawful pastors in repairing to their sermons, under the pain of being punished as frequenters of private conventicles and meetings ; and commanding and charging the said ministers to remove themselves and their families out of their parishes betwixt and the first day of November thereafter, and not to reside within the bounds of their respective presbyteries.” This was very sad, threatening no less than ruin to ministers and their poor families,—to be put from their houses in the midst of winter, to seek new places of abode, not having the small stipend which was due to them allowed for to transport their families withal, or to provide themselves in necessities. But yet they resolved to cast themselves on God’s providence, trusting in his word, accounting it better to suffer affliction with the people of God, and to enjoy peace of conscience, than to enjoy the pleasures of sin for a season ; and, accordingly, did re-

move themselves. By which means there were some hundreds of parishes left destitute, and the shepherds were scattered up and down the land, seeking a sheltering place for themselves. It was a sad and lamentable sight to see the sad farewell betwixt the loving pastor and his beloved flock, and the tears, the cries, and the bitter groans that were there. Now were the breasts pulled from the mouths of the young infants, the table was drawn, and the people were made to wander up and down the mountains seeking the word of the Lord, and could not find it ; they had silent Sabbaths and empty pulpits ; some countysides were hereby laid utterly desolate. And what could these faithful ministers do in this case but sigh and groan to God, seeing they could not in conscience yield obedience unto these commands ? and therefore they resolved to be subject for conscience’ sake, and to submit unto the punishment of banishment out of the bounds of the presbytery where they lived (which was afterward made more sad, for they were commanded to remove twenty miles from their own parish church, six miles from a cathedral, and three or four miles from a burgh. Now judge, O reader, whether this cruelty would not have more beseeemed Turks, and how little cause there was for all this severity and rigour to ministers, who had been endeavouring with some measure of faithfulness on their part, and fruitfulness through the Lord’s blessing on their labours, to enlarge the kingdom of Jesus Christ, and to build up poor souls in their most holy faith, because they would not give obedience unto such acts as were but snares for the conscience, and to which obedience could not be yielded without sin.

#### SECTION X.

THE OATH OF ALLEGIANCE EXPLAINED AS TO ITS CIVIL PART, AND SOME REASONS AGAINST THE TAKING THEREOF, EVEN UPON THAT ACCOUNT, ADDUCED. THE ACT RECISSORY AND HIS MAJESTY’S PREROGATIVE CANVASSED.

After that there were some other ministers, whom the forementioned acts did not reach, removed out of some of the chief cities, *brevi manu*, without any process,

there are some ways devised, how more of these might be removed with some colour or pretext, and therefore some six or seven were called before the parliament at their second session, and because they refused to take the oath which was tendered, they were sentenced with banishment by act of parliament, and ordained to remove off the kingdom so soon as his Majesty's commissioner should signify his mind thereanent. But this sentence was not put in execution, possibly because they saw an inconsistency betwixt this deed and an act which they had made the former year in their first session, by which all such as refused to take that oath were to be "incapable of any public trust, and to be looked upon as persons disaffected to his Majesty's authority and government," and this was all. But in December 1662, the privy council called some other ministers before them and tendered the oath unto them, and, because of their refusing of the same, they banished them out of all his Majesty's dominions, and then gave them a bond to subscribe, wherein they did bind themselves to remove out of all his Majesty's dominions within a month, and not to return under the pain of death, otherwise they would commit them to close imprisonment, and there keep them until they had occasion to send them elsewhere. Whereupon these ministers saw a necessity of subscribing that bond of banishment: though it was very hard to bind themselves to remove within so short a time, and that in the midst of winter. But strange it is, that when the king himself, by his oath, at his coronation, is bound to rule the land by the laws and constitutions received therein, this his council (which by the fundamental laws of the land, as appeareth by the 12th act of the 2d parliament of King James IV., whereby they are first established, is to give "his highness a true and effauld counsel in all matters concerning his Majesty and his realm, and to be responsible and accusable to the king and his estates, of their counsel;" and so is a judicatory subordinate unto the parliament, and accountable to and censurable by them) would banish such as the laws of the land did not account worthy of banishment; and, whether they would do right if they should punish with death such a fault as by the established laws of the land deserved only to be punished by a fine or a sum of money, let lawyers judge; and, whether

this be not an arbitrary illegal power which they have assumed, any that considereth what is said, and the 27th act of the 2d parl. of Charles I., may judge: and possibly it was for this cause that they refused to give an extract of their sentence, although it was humbly craved.

But to clear what good grounds there were, and yet are, for refusing to take that oath, let first the oath itself be considered and compared with the former oath of allegiance. The oath now tendered is thus worded in the acts of this parliament several times:—

"I, for testification of my faithful obedience to my most gracious and redoubted sovereign, Charles, king of Great Britain, France and Ireland, &c., affirm, testify and declare, by this my solemn oath, That I acknowledge my said sovereign only supreme governor of this kingdom, over all persons, and in all causes; and that no foreign prince, power, or state, or person civil or ecclesiastic, hath any jurisdiction, power, or superiority over the same, and therefore do utterly renounce all foreign power, jurisdictions and authorities, and shall at my utmost power, defend, assist and maintain his Majesty's jurisdiction foresaid against all deadly, and shall never decline his Majesty's power and jurisdiction, as I shall answer to God."

This is the oath which they call the oath of allegiance; but is indeed very far different therefrom, as will easily appear to any who will compare the same with that oath of allegiance which King James treateth of in his dialogue called *God and the King*, lately reprinted, and published by his Majesty's royal proclamation, for the instruction of all his subjects in their duty and allegiance; for thus is that oath worded:—

"I, A. B., do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God and the world, that our sovereign lord, King James, is lawful and rightful king of this realm, and of all other his Majesty's dominions, and countries, and that the Pope, neither of himself nor by any authority,—by the church and see of Rome, or by any other means with any other,—hath any power or authority to depose the king, or to dispose of any of his Majesty's dominions or kingdoms, or to authorise any foreign prince to invade or annoy him or his countries, or to discharge any of his subjects of their allegiance and obedience to his Majesty, or to give



license or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his Majesty's royal person, state or government, or to any of his Majesty's subjects within his Majesty's dominions.

"Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication or deprivation made or granted, or to be made or granted, by the Pope or his successors, or by any authority derived or pretended to be derived, from him or his see against the said king, his heirs or successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance to his Majesty, his heirs and successors; and him and them I will defend to the uttermost of my power against all conspiracies and attempts whatsoever which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence and declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesty, his heirs and successors, all treasons, or traitors, or conspiracies, which I shall know or hear of to be against him or any of them. And I do further swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, That princes which be excommunicated or deprived by the Pope may be deposed or murdered by their subjects, or any other whatsoever. And I do believe, and in conscience am resolved, that neither the Pope, nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge, by good and lawful authority, to be lawfully ministered unto me; and do renounce all pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge, and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever; and I do make this recognition and acknowledgment heartily, willingly, and truly, upon the true faith of a Christian. So help me God."

This is the oath of allegiance, and how far it differeth from the former which was lately tendered is easily discerned. These few words in the short oath,—“Only supreme governor in this kingdom, over all persons, and in all causes,” contain the main

difference betwixt the two, and the main grounds of scruple; for they hold forth two things: The king's supremacy in matters civil, and his supremacy in matters ecclesiastic.

It is true ministers ought both to be and to carry dutifully as becometh subjects, and to refuse nothing lawful which is required of subjects; but oaths, being matters about which much tenderness and carefulness ought to be used, it becometh ministers to look well to this, and not to engage in any oath rashly. Advise and deliberation is most requisite here, especially in a time when snares abound, and when there is good ground to suppose that the oath is tendered of purpose to be a snare to the conscience.

The oath as to substance, or main thing intended (which lieth wrapped up in those few words last cited), is not (as is obvious to any) so clear as oaths ought to be; yea, the imposers themselves will not deny this, but are forced to acknowledge, that as it is worded in respect of that part thereof which is only scrupled at, and which containeth the substance and main thing intended, it is at best ambiguous and general; and for this cause (if there were no more) every Christian ought to forbear to swear the same. And that because every oath must be sworn “in truth, in judgment, and in righteousness,” Jer. iv. 2; but an unclear and ambiguous oath cannot be sworn in truth, because it hath no truth in it; for what is ambiguous is not true, as Dr Sanderson saith, *De Jur. Promis. Oblig.* præl. 6, sect. 10, “A proposition of an ambiguous and indefinite sense, before the matter be distinguished, is not a true proposition; yea, nor a proposition at all; for a proposition, as its definition cleareth, should signify either a truth or a falsehood, without any ambiguity.” And therefore this proposition, That “the king is only supreme governor, over all persons, and in all causes,” being ambiguous till it be cleared by some distinctions, cannot be sworn in truth, because the truth thereof cannot be known; nor can it be sworn in righteousness, because such as swear it cannot be sure but that, in taking that oath, they may be wronging others, wronging parliaments, and, which is worse, wronging the Lord Jesus Christ, who is king and head of his church; nor can it be sworn in judgment, because its meaning cannot be known.

But now, seeing the oath, in respect of its substantial part, as it is now worded, is am-

biguous and unclear, reason would require that the tenderers thereof should explain the meaning thereof, and make it as clear as may be. But when this is refused, what can such do who are pressed to take that oath but refuse the same, partly because of its ambiguity, and partly because by the sense, which by their other acts and actings, they who tender it do put upon it, it appeareth to be most unlawful. All divines and Casuists do grant that an oath must be taken in his sense and meaning in whose favour and for whose sake and safety it is conceived, and who tendereth it: and therefore it is not only lawful but necessary to inquire what sense the acts and actings of the parliament do put upon it.

And as to the civil part of the oath (which here is to be examined), no other explication needeth to be inquired after than what they give forth in their acts on record; all which, to cite here at length, would be tedious. The citing of the acknowledgment of his Majesty's prerogative (which is a part of the 11th act, 1661, and where the substance of many preceding acts is summed up) will be a sufficient evidence; and here it is declared, "That it is an inherent privilege of the crown, and an undoubted part of the royal prerogative of the kings of this kingdom, to have the sole choice and appointment of the officers of state, privy councillors, the lords of the session;—that the power of calling, holding, and dissolving of parliaments, and all conventions and meetings of the estates, doth solely reside in the king's Majesty, his heirs and successors; and that as no parliament can be lawfully kept, without special warrant and presence of the king's Majesty or his commissioner, so no acts nor statutes to be passed in any parliament can be binding on the people, or have the authority and force of laws, without the special approbation of his Majesty, or his commissioner interponed thereto, at the making thereof; that the power of arms, making of peace and war, and making of treaties and leagues with foreign princes or states, or at home by the subjects among themselves, doth properly reside in the king's Majesty, his heirs and successors, and is their undoubted right, and theirs alone; and that it is high treason in the subjects of this kingdom, or any number of them, upon whatsoever ground, to rise or continue in arms, to maintain any forts, garrisons or

strengths, to make peace or war, or to make any treaties or leagues with foreigners, or among themselves, without his Majesty's authority first interponed thereto; that it is unlawful to the subjects, of whatsoever quality or function, to convocate, convene, or assemble themselves for holding of councils, conventicles and assemblies, to treat, consult and determine in any matters of state, civil or ecclesiastic (except in the ordinary judgments), or to make leagues or bonds upon whatsoever colour or pretence, without his Majesty's special consent and approbation had thereunto;—that the league and covenant, and all treaties following thereupon, and acts or deeds that do or may relate thereunto, are not obligatory; and that none of his Majesty's subjects should presume, upon any pretext of any authority whatsoever, to require the renewing or swearing of the said league and covenant, or of any other covenants or public oaths concerning the government of the church and kingdom, and that none offer to renew or swear the same without his Majesty's special warrant and approbation."

This acknowledgment doth sufficiently clear what that supremacy in civil matters is which they grant unto the king as his due, and which, by this oath, they would have all to acknowledge also; so that there is no great difficulty to clear the grounds of scrupling at this oath even upon this account, and to show that such as have refused the same cannot be accounted disloyal; for all indifferent persons will see that there both was and is good ground to scruple at this oath thus sensed by this act, if they shall consider these ten particulars following:—

1. The parliaments of Scotland, from the beginning, have been partakers and fellow-sharers of supremacy with the king, and the kings of Scotland never were the sole subjects thereof, as appeareth by their appending of their own seal with, and distinct from the king's great seal, in treaties with foreign princes, and in some important acts and sentences at home, of which there is one instance yet on record in the acts of parliament, namely, act 112, parl. 14, King James III.

2. The parliaments of Scotland have had the power of settling the government; for they did willingly swear to Fergus and his posterity, and when he died and left two young sons, Ferlegus and Mainus, both un-

fit for government, they resolved upon a new course: That neither a child should govern, nor yet their oath, which they made to Fergus, be broken, which was this: That when the king's children were young at their father's decease, some other of the posterity of Fergus, fit for governing, should be chosen, who should rule the kingdom all his days (which law continued ten hundred and twenty-five years, until the reign of Kenneth III.); and accordingly, when Fergus died, they chose Feritharus, and when Ferlegus came to age, he desired to be put in possession of the kingdom, but it was refused so long as Feritharus lived. And when Corbredus died, they passed by his son Corbredus and made choice of Dardanus, the grandchild of Metellanus; and thus did they always until the days of Kenneth III. *E propinquis* (saith Buchanan, in *vita Kennethi*.) *regum defunctorum, non proximos sed maxime idoneos, modo a Fergusio primo Scotorum rege essent oriundi; eligere consueverant.*" And who else than they did condescend to that law at length, that the king's eldest son should be called prince and should succeed; and if the son died before the father, then the grandchild should succeed unto the grandfather; and that if the king died, leaving a young child to be heir of the crown, a regent should be chosen to manage the affairs of the kingdom during his minority, till he were fourteen years of age, at which time he might choose his curators: was there ever any such thing concluded without the parliament's consent?

3. The parliaments of Scotland have a great share of the legislative power, therefore the laws are styled the "acts of parliament," and not the *acts of the king*, and they are said to be "enacted by the estates of parliament." So do the many explicatory acts witness that they share in the supreme power of interpreting the laws of the land, which demonstrateth their legislative power, and both these are no small part of supremacy.

4. In the time of Finnanus, the tenth king, there was a law made: *Ne quid reges, quod majoris esset momenti nisi de publici concilii autoritate, juberent*,—that kings should command nothing in matters of any moment but according to the authority and command of parliament. And so when Malcolm IV., the ninety-second king,

was giving away, for peace with England, Northumberland, the estates were against it, denying *jus esse regi quicquam de finibus regni detrahere, nisi omnibus ordinibus consentientibus*,—that the king had any power to give away any part of his dominions without the consent of all the estates of parliament.

5. The parliaments of Scotland have regulated the actions of princes, and have censured and punished them for enormities. Let the lives of Thereus, Durstus, Luctacus, Mogaldus, Conarus, Constantine, Ferchard I., Ferchard II., Eugenius VII., Ethus, Donald VII., Cullen, and others recorded by Buchanan in his chronicles, be seen and considered, and the power of the parliaments of Scotland over their princes will easily appear. So at that parliament in which King James VI. was created king, and the Earl of Moray settled in the regency, it was debated what course should be taken with the queen, concerning whose access unto her husband's death there were such shrewd tokens; and some voted that justice should be executed upon her, and others that she should only be kept in prison. See Buchanan, lib. 19.

6. The parliaments of Scotland have had express power, in some cases, to withstand and resist, even by arms, the king, if he should break treaties of peace made and concluded by him and them with foreign princes and states, as is yet to be seen extant in the records of their old treaties of peace with England and France.

7. The estates of Scotland wrote unto the queen, October 23, 1559, thus, *Ex literis tuis ac mandatis, &c.*, Buchanan, lib. 16,—that is, "By your letters and mandates, sent us by a herald, we understand how obstinately you are set against piety towards God, and the public good of our nation, and the common liberty of all; but that we may, according to our duty, defend all these, we, in the name of our kings, do suspend and prohibit all the public administrations, titles and superiorities, which you take upon you, being certainly persuaded that those things which you now do are contrary to that constant goodwill which kings have carried towards the welfare of this kingdom; and as you do not look upon us as lawful subjects of this kingdom, and as a lawful parliament, so neither look we upon you as regent, or as exercising any public magistracy, especially seeing your power (if

there be any such committed unto you) is, upon good and weighty reasons, suspended by us, in the name of the kings of this realm." So, 1567, they put the queen-regent, mother to King James, from her regency; which deed of theirs is fully vindicated by the Earl of Morton, in his discourse to the Queen of England, a part whereof, out of Buchanan, lib. 20, because useful both for clearing of this particular and some others beforementioned, shall be here transcribed: *Primum factum ipsum*, &c.,—"As for the deed itself, of punishing kings or queens, the ancient customs of our predecessors will not suffer it to be accounted new; for it were not necessary to enumerate how many kings have been punished by death, bonds and exile by our nobles, far less were it necessary to confirm this deed of ours by foreign examples, seeing there are so many so obvious in ancient histories. But now the nation of the Scots have been a free nation from the beginning, and have made kings to themselves upon these conditions, that, when necessity required, they might dethrone them, of which there are many footsteps remaining fresh unto this day; for in the isles about, and in many places of the continent, in which the old language and laws had any abode, this custom is followed, in the choosing of their governors, to this day. And the ceremonies used at the coronation of kings do clearly demonstrate that the government is nothing else but a mutual stipulation betwixt king and subjects, as also the constant tenor of the ancient law by which kings were inaugurated, which remaineth unchanged in the least to this day: yea, while so many of our kings have been banished, imprisoned, or more severely punished, there was never one motion made of relaxing the rigour of the law; and what wonder, seeing it was not of the nature of those laws that change with the time, but of those which are fixed in the heart of man by nature, and consented unto by all nations, and which, being subject to no other laws, do command and rule all; so that, whether we will or not, they are before our eyes, whatever we be doing, and stick in our heart. This law did our predecessors follow, being always armed against violence, and ready to suppress tyrants. But that I may pass in silence the famous cities of Athens, Lacedæmon, Rome and Venice, which kept this law so long as they kept their liberty; yea, even when Rome was

under tyrants, if any good man became emperor he did account it his glory to acknowledge himself inferior to the people, and subject to the laws; for when Trajanus gave a sword, according to the custom, unto the *Præfectus urbis*, he said, 'Use it for or against me, as I shall deserve.' And Theodosius, a good emperor, in these worst times, would leave this noble saying among the laws, that 'he confessed he was under the laws.' Neither was this law unknown to barbarous nations, as all histories testify. But lest I should be thought to gather together examples now out of use, I shall only make mention of two later: the one is of Christian, the king of the Danes, who, for his intolerable cruelty, was put from the kingdom, he and all his posterity, which is a sadder punishment than ever was inflicted by any of our progenitors. What did the mother of Charles V., that made her deserve perpetual imprisonment? And now, what did he but, following the examples of so many nations and kingdoms, suppress tyranny, which swelled above all law,—not indeed so severely as our predecessors did in like cases;—for, had we followed their example, we had been far from not only the fear of danger, but also her calumnies." Thus he, and much more is added to this purpose there. Moreover, this same queen-regent was told by the Earl of Ruthven, that same night that David Rizzio was killed, as Buchanan reporteth, lib. 17, "That the government of the kings of Scotland was always very lawful, and that it was exercised not after the lust and pleasure of any one man, but according to the laws, and by the consent of the nobles, and if any king did otherwise he suffered accordingly; and now Scotchmen are not so far degenerated from the institutions of their predecessors as to suffer the tyranny and slavery of one who is a stranger, and whom they look not upon as deserving any honest service."

8. Yea, in the 8th parliament of King James VI., act. 2., the honour and authority of the "supreme court of parliament, continued past all memory of men, is ratified," and there it is said, "That by the court of parliament, under God, the kingdom hath been upholden, rebellious and traitorous subjects punished, the good and faithful preserved and maintained, and the laws and acts of parliament (by which all good men are governed) are made and established; and therefore they statute and ordain, that

none take upon hand to impugn the dignity and authority of the estates, or to seek or procure the innovation or diminution of their power or authority under the pain of treason." It is true that in the preceding act they confirm the king's "royal power and authority over all estates, as well spiritual as temporal;" and therefore their maintaining of the power and privilege of parliaments is the more remarkable. And by the two acts compared together it is abundantly clear that the authority mentioned in the first act of that parliament, which is granted to the king, is not over the "estates of parliament," but over "private persons whether civil or ecclesiastic;" and so it is but a granting of him to be *singulis major*, which will easily be granted. And this will be more clear if it be considered what occasioned that act at that time, as was shown above, in the first section; the Lord was stirring up his servants to act something for the settling of the government of the church, which occasioned the displeasure of many at court; and when ministers were freely rebuking sin in and about the court, they were accounted railers and traitors, and, being accused of treason before the king and his council, they declined them as incompetent judges. Upon this account, in this hour of darkness, by the means of the Earl of Arran, this parliament is suddenly called (whereby there were two parliaments in one year, 1584, the one meeting May 22, and the other August 22, which is called the ninth parliament, as the former was called the eighth), which granteth this supremacy to the king over persons ecclesiastic and (for formality's sake) civil; and therefore, in the end of that act, it is declared to be treason to decline his Majesty or his council in any case. So then the question was not betwixt the king and the parliament, but betwixt the king or his council, and the church in spiritual matters. It is true also that in the 1st act of parliament 18, *anno* 1606, "his Majesty's sovereign authority, princely power, royal prerogative, and privilege of his crown over all estates, persons and causes whatsoever," is acknowledged; but this act is of the same nature with the former,—no prerogative over and above the estates of parliament is acknowledged here to belong properly to the crown; and, moreover, these words are but fair flourishes and parliamentary compliments. Finally, The prerogative here spoken of is founded upon personal qualifica-

tions, wherewith they say he was endued far beyond his predecessors, such as "extraordinary graces, most rare and excellent virtues, singular judgment, foresight, princely wisdom," and the like; and these may be wanting in one possessing the crown, and therefore it could not be the mind of the parliament to give a supremacy founded upon such qualifications to those who had not these qualifications, and so they could not annex it unto the crown.

9. Together with these particulars let this be considered: That in the third article of the league and covenant they did all swear "sincerely, really, and constantly, in their several vocations, to endeavour the preservation of the rights and privileges of the parliaments," and then it shall appear that there was good ground of scrupling at that oath, which, as explained by their acts, tendeth to the overturning of those rights and privileges; for none who desired to make conscience of the oath of the covenant might swear an oath so apparently opposite thereto. It is true those questions concerning the power of princes and parliaments are dark and ticklish; and ministers, not being lawyers by profession, cannot be supposed to be well acquainted with the laws and constitutions of the realm, or with the nature and extent of the same, in all points; yet it concerneth them to see to this, that they run not themselves upon the rocks of contradictory oaths. And, having sworn to endeavour, in their places and callings, the preservation of the rights and privileges of parliament, it concerneth them, and all not a little, to search so far into the rights and privileges of parliament, as that they may know when an oath is tendered unto them which crosseth the same; and, being once engaged in an oath, in a matter not sinful, not to change, or to swear that which destroyeth and contradicteth the former oath. But, leaving those things, and not laying more weight on them than they will bear, other particulars more weighty and pressing must be spoken to; and therefore let it be considered,

10. What dreadful consequences will follow upon the taking of this oath, thus explained, as to its civil part, by the fore-mentioned act concerning the prerogative, and other acts now to be mentioned, as, 1. A condemning of the convention of estates, 1643, conform to the 6th act of this parliament; 2. A condemning of the parliament,

1640, 1641, 1644, 1645, 1646, 1647, and 1648, conform to their 15th act, as also the committees and parliaments thereafter, 1649, 1650, and 1651, conform to their 9th act; 3. A condemning of all the acts made by these parliaments, conform to their 3d act; 4. A condemning of all the meetings, councils and conventions of the subjects, at the beginning of the late work of reformation, conform to their 4th act; 5. A condemning of the league and covenant, conform to their 7th act; 6. A condemning of Scotland's joining with, and helping of, England in the day of their strait, conform to their 7th act; 7. A condemning of the renewing of the national covenant, 1638, and 1639, conform to the last words of the 11th act; 8. A condemning of the General Assembly, 1638, and several others thereafter, conform to their 4th act; 9. A condemning of Scotland's rising in arms in their own defence against the popish, prelatical and malignant party, conform to their 5th act; 10. A condemning of their seizing upon forts and castles in their own defence, conform to the said 5th act.

Was there not then cause to scruple at the taking of this oath, which would have imported a condemning of all those things? Sure there was, as shall be shown in speaking to each of the particulars mentioned. Now it is clear that the taking of this oath would have imported a condemning of all these particulars, from this, that the parliament doth condemn all these mentioned particulars (as the acts specified do clear) because done without his Majesty's consent, which ought, say they, to have been had by virtue of his prerogative royal and supremacy; and the prerogative doth explain his supremacy in things civil, as shall be shown more fully hereafter.

But to come to the particulars, First, There was no ground for condemning that convention of estates, 1643, notwithstanding that the king's consent was not had thereto: 1. Because in point of conscience, the estates of the land, being essentially judges, are bound, when the public affairs of the kingdom do require, to convene and consult thereanent, when religion, laws and liberties are in hazard, and when the necessity is such as will admit of no delay: pure legal formalities of state must be dispensed with when they cannot be got followed; as in this case it was clear the true protestant religion, his Majesty's honour, and the peace

of the kingdoms, were in hazard, by Papists and their adherents in arms in England and Ireland. The king refused to call a parliament at that time, though he was often requested thereunto. In this case what could the estates of the land do (who were bound by the laws of God, of nature and of nations, to see to the preservation of the kingdom, to their own interests, and to religion, that should be dearer to them than anything else, and were bound by the law of God to judge and govern the land) but obey God, and dispense with state formalities, according to the many examples of the estates of Scotland before, who did convene in parliament, whether the king would or not; as that parliament which did imprison Donald the seventieth king, and the parliament at Scone which summoned King Cullen before them, and that parliament which deprived the queen-mother of her regency. But, to avoid tediousness, let Buchanan's chronicle be perused, and many such like parliaments shall be seen. 2. Who was it who summoned all those parliaments which convened for the election of new kings and of viceroys; as that which did choose Nothatus the brother and not Rutherford the son of Dornadilla the fourth king; and that which did choose Evenus, cousin to Durstus, and not Durstus's son; and that which made Dardanus king and not Corbredus's son, being under age; and that which made Satrael, brother to Ethodius, king, and not his son Ethodius II., and many more? Yea, Buchanan, no stranger to the constitution of the Scottish kingdom, sheweth, in his book, *De Jure Regni apud Scotos*, that the parliaments of Scotland were summoned not only without the consent of their kings, but against the same. What ground was there, then, for condemning of this convention, at this nick of time, when matters were in such hazard? especially, 4. Seeing the very next parliament which convened, 1644, by virtue of the last act of the parliament, 1641, at which the king himself was present, did ratify and approve that convention upon these grounds, as their 5th act beareth: "Considering that the lords of his Majesty's privy council, and commissioners for conserving the articles of the treaty, having, according to their interests and trusts committed to them by his Majesty and estates of parliament, used all means, by supplications, remonstrances, and sending of commissioners, for securing the peace of this kingdom and

removing the unhappy distractions betwixt his Majesty and his subjects in England, in such a way as might serve most for his Majesty's honour, and good of both kingdoms; and their humble and dutiful endeavours for so good ends having proven so ineffectual, and their offer of mediation and intercession being refused by his Majesty; and thereby finding the weight and difficulty of affairs, and the charge lying on them to be greater than they could bear, did therefore, in the month of May 1643, meet together with the commissioners for common burdens, that by joint advice, some resolution might be taken therein; and in respect of the danger imminent to the true protestant religion, his Majesty's honour, and peace of these kingdoms, by the multitude of Papists and their adherents in arms in England and Ireland, and of many other important and public affairs which could not admit delay, and did require the advice of the representative body of the kingdom, appointed and indicted a meeting, his Majesty having formerly refused their humble desires for a parliament."

Secondly, There was no ground for "annulling those parliaments mentioned in the act recisory," and act 9: 1. Because in both those acts there is no mention made of any informality, which might justly, either in law or conscience, render these parliaments null, only there is mention made of their acts and deeds, but these cannot in any manner of way annul their constitution, for a parliament may be a parliament legally convened, though it should establish iniquity by a law; and if the ground which they have laid down in these two acts, 15 and 9, for annulling of these parliaments, hold good, indifferent men will soon see that they have annulled their own constitution, and declared themselves no parliament; for if their acts were compared with the acts of these parliaments which they have annulled and examined, either by the rule of God's word (which all Christian commonwealths and parliaments should steer their course by) or by the fundamental laws of the land, they would be found more worthy to be condemned. Sure succeeding ages need take no more but the ground which themselves have laid down here whereupon to declare this parliament null. But, 2. These parliaments were all legally convened and called; for the king called the parliament, 1639, and sent the Earl of Tra-

quair as his commissioner thither, which was adjourned to 1640; then, after some time, it was adjourned to 1641; and at this session of parliament the king himself was present, and so owned them as a lawful parliament, being called by his command, and continued hitherto, and ratified all their acts, among which this was one, namely, act 17, 1640, "That every third year, once at least, there should be a full and free parliament, and that the time and place should be appointed by his Majesty, or his commissioner for the time, and the estates of parliament, before the end and closing of every parliament." According to which act king and parliament did appoint the next parliament to meet June 1644, and this parliament is continued till January 1645, thence till March, thence till July 1645, and from thence it is adjourned till November 1646, and then till March 1647, and, at the close of this last session of parliament, conform to the foresaid act 1640, they appointed the next meeting of parliament to be *anno* 1648. This parliament adjourned till March 1650; but, withal, they give power to their committee, or the quorum thereof, to call the parliament sooner if they saw necessity. Accordingly it is convoked 1649, and, at the time appointed, it meeteth, 1650, and so adjourned to times convenient. So that there is no informality here at all discernible. If it be said that neither the king nor his commissioner was present at those parliaments, and so this informality annulled all: *Ans.* 1. The want of this formality cannot be the cause of annulling these parliaments, or sessions of parliaments, because they annul the very session of parliament, 1641, at which King Charles himself was present. 2. There is no law making the presence of the king or his commissioner essential to every parliament, far less to every session of a parliament. 3. There have been many parliaments holden in Scotland without either king or commissioner, as in the days of King James II., *anno* 1437, 1438, and 1440, where there is no mention made of the king in the acts, as there is at the next parliament, 1443, but only of the "three estates of parliament concluding and ordaining." So, 1560, there is a parliament holden at Edinburgh by the three estates, without either king or queen, and an act thereof ratified first parliament, King James VI., act 2. So, 1567, the parliament is kept by the regent and

the three estates without the queen, who then did reign, as the acts of parliament 1581, King James VI., show; for there these words are to be found in the first act thereof, "And especially the act made in the reign of the queen, his dearest mother, in the parliament holden at Edinburgh the 19th of April 1567." Whereby it is abundantly clear that she was then governing when this parliament did sit, and yet the parliament was kept without her, as the acts show. So in the days of Queen Mary, the acts of parliament run in the name of the "Lord governor and three estates of parliament;" and this governor was not representing the queen as her commissioner; because, when she was present, as act 1, parl. 2 of Queen Mary, both she and the governor are mentioned thus: "The which day the queen's Grace, with advice of the lord governor and three estates of parliament." And, moreover, it is not usual to have any acts running in the name of a commissioner; for where a commissioner is present the king is supposed to be present, and therefore, to this day, all the acts of parliament made where a commissioner is present (except such as are wholly concerning the king himself) run in the name of "our sovereign lord, with advice and consent of his estates of parliament;" but where neither king nor commissioner is present, then the acts run thus, "The estates of parliament enact," &c. So that this *stilis curiae*, being punctually observed to this day, confirmeth the observation concerning the fore-mentioned parliament, namely, That they were holden without king or queen, when neither king nor queen is mentioned in the acts. 3. Is it not strange how they could annul the parliament 1648 among the rest, seeing the acts of that parliament were more homogeneous with their own acts than the acts of the rest; for the acts of, and design carried on by, that parliament, were no such injurious violation of his Majesty's power and authority, nor were they acts of rebellion, as they suppose the acts of the other parliaments to have been: so that the ground upon which they rescind the rest of these parliaments will not warrant them to rescind this; and so it is not upon the ground of their acts that they rescind these parliaments, because, then, they would not have rescinded this parliament 1648. What grounds, then, they will seek out next, who can tell? for all the grounds which they

have hitherto given, whether from their acts and deeds, or from informalities, through the want of the presence of the king or his commissioner, are declared null and of no effect by themselves. 4. It is yet more strange how they could annul the parliament 1648, when all the members of that parliament (some of whom, no doubt, were members of this) did, June 10th, "declare and testify their resolution and obligation to acknowledge that parliament to have been a free and lawful parliament; like as they did oblige themselves, upon their honours and credit, and as they desired to be, and to be holden, true lovers of their country, and of the religion, laws and liberties thereof, effauly and faithfully, to the uttermost of their power, to join and concur, with their persons and estates, every one according to their several stations and callings, in the maintenance of the freedom and lawfulness of that parliament; and they ordained that that act should be subscribed by all the members of parliament present and absent, and by all noblemen, barons, and all other subjects, inhabitants of the kingdom, in their shires and burghs." 5. It is yet more strange that this parliament had so far forgot itself as to reckon up the parliament, 1648, among the rest in the "act recis-sory," when, in their 9th act, they had acknowledged it to have been a parliament; for there, when they are approving the engagement, the all and only business which that parliament, 1648, was carrying on, they style them "the estates of parliament of this kingdom," which is a title agreeing to none but to lawful parliaments. Thus it is clear that there is no ground warranting a consent unto these acts recis-sory, but good ground to scruple at that oath, the taking whereof would have imported a consenting unto the annulling of these parliaments, considering, 6. How King Charles I., in the large treaty, in his answer to the first demand, saith, that at the humble desire of his subjects he did call and convene a parliament, to be holden at Edinburgh, June 2, 1640; so that this parliament was lawfully convoked and acknowledged to have been so by King Charles I. himself.

Thirdly, Nor is there ground for assenting and consenting unto "the annulling of those acts done and concluded in these parliaments;" for, 1. They are acts made by parliaments lawfully convened. 2. They are acts not repugnant to the word of God,



but acts made for the carrying on and advancing of the work of reformation (except those made by the parliament, 1648), which every one, according to his place and power, is sworn to maintain and promote; and this the very viewing of them will evince, however that whole work be now branded as rebellion and sedition: so that none could swear that oath as now tendered, and by acts explained, but withal he must condemn the whole work of reformation, and all acts made for establishing of the same, in doctrine, worship, discipline, and government. 3. Did not King Charles I., in the large treaty, give this answer unto the first demand: "That forasmuch as the king's Majesty, at the humble desire of his subjects, did call and convene a parliament, to be holden at Edinburgh, June 2, 1640, wherein certain acts were made, which acts his Majesty, for the peace and good of this kingdom, is pleased to publish, in his own name, with consent of the estates, and therefore commands that the said acts, bearing date June 27, 1640, be published with the acts to be made in the next session of the same parliament; and that all the said acts, as well of the precedent as of the next session to be holden, have, in all time coming, the strength of laws, and to be universally received and obeyed by all the subjects of the kingdom of Scotland. His Majesty doth, in the word of a king, promise the publishing of the said acts in such sort as is above specified." And, moreover, at that next session of parliament, 1641, when himself was present, all those acts were approved and ratified fully. And did not King Charles II., before and at his coronation, ratify and approve the covenant, and all acts made in order to the carrying on of the ends of the covenant? so that now they are full and complete laws, wanting nothing, even of formality, which can be desired, seeing he hath ratified and approved them all. 4. Are there not many of those acts, made by these parliaments, very much for the glory of God and the good of the country? Did not themselves see this, when, for shame's cause, they were forced to make some acts of the same nature for curbing of vice, since they would not be said to renew them: so that it were hard to put Christians to condemn those acts and laudable laws. 5. Is it not strange how they could condemn, and make null and void, all the

acts done by the committees and parliaments after 1648, seeing, by this means, they shall condemn all the applications which were made unto his Majesty while he was in Holland, and, also, they shall condemn the kingdom's receiving of him, yea, and their crowning of him, both as null and as done by a *non-parliament*? And thus they will have the king no crowned king of Scotland; and how deep this may draw let lawyers judge. It was never yet heard of that a king was crowned in Scotland but by a lawful parliament, whose deed was valid; and if this deed of that parliament was not valid, let wise men conjecture what the consequences will be. It is true they except, in their 6th act, "all such acts as were passed in any meeting of parliament or committee of estates authorised by his Majesty's presence," but his Majesty's presence will not make every company of men a parliament; yea, his being present with them at any of their sessions, saith he owned them as a lawful parliament. 2. However, all these acts which concern himself (seeing he was not present at their making) are null. 3. How cometh it to pass that the king's presence, 1641, did not avail to keep that session of parliament from a stroke with the rest? And, further, it appeareth that they annul the parliament 1650 and 1651 altogether, because, if that had been a parliament, it had been the first parliament of King Charles II., and so the parliament 1661 had been his second parliament; but the parliament 1661 is called his first parliament, and therefore there was never a lawful parliament before in his reign, and thus, by their principles, he hath never been crowned in Scotland as yet: what a *premunire* they fall into here let lawyers judge.

Fourthly, There was as little reason to condemn these "meetings, counsels, and conventions of the subjects," at the beginning of the late work: 1. Because those meetings were necessary for the defence of religion against the bloody prelates, who were seeking the overthrow and destruction of all. 2. Nor is there any act condemning such, which can with any colour be alleged, except the act of that parliament 1584, wherein things were carried on by a strong faction in great haste,—for they had five sessions in three days, and with great secrecy,—for the lords of the articles were

sworn to secrecy, and the doors were kept close all the time of parliament. See laborious Mr Petrie's history, p. 442; and the act of this parliament did mainly strike against the Assemblies of the church, for that was the thing designed. 3. Whatever can be made out of this act against civil meetings, it will not strike against those meetings, because the parliament 1640, in their 29th act, hath shown the true meaning thereof to be otherwise, saying, "It cannot be extended against any councils, conventions, assemblies, committees, or meetings, made, holden and kept by the subjects, for maintenance and preservation of the king's Majesty, religion, laws and liberties of the kingdom, or for the public good either of church or state;" and this act was approved by the large treaty, and again by the next session of parliament, 1641, where the king himself was present. 4. The secret council which then was, did approve of those conventions or tables (as they were called), so did his Majesty's commissioner thereafter. So, then, those meetings might be warrantably kept for God's glory and the removing of the just grievances of the subject,—being nowise prohibited by the municipal laws, which only disallow such "conventions as are for disturbance of the peace, or usurpation against authority;" neither of which can be alleged here; for no invasion, violence, offer of wrong by word or deed, to any person, no, not even to those against whom they had justly complained, followed thereupon. And those meetings were only to consult upon the most fit and humble way of supplicating his Majesty, and for the most convenient propositions to be presented to his Majesty, to the parliament, and to the Assembly,—all which are most compatible with the loyalty and duty of good subjects, and do nowise encroach upon authority, seeing they assumed not "any judicial determination, in any matter of state, civil or ecclesiastical, but by voluntary instructions and opinions, every one to another, in a common cause of religion, did resolve what might be most conduceable to their lawful and just ends," to use the words of the protestation, December 18, 1638.

Fifthly, Nor is there just warrant and ground upon this account to annul the league and covenant: because, 1. It was against no municipal law; for as to that 12th act of the 10th parliament of King

James VI., 1585, it is so explained by the 29th act of parliament 1640, as that it cannot be "extended to any bonds and leagues made for the preservation of the king's Majesty, religion, laws, and liberties of the kingdom, or for the public good either of church or state;" and this may be further cleared by viewing the 43d act of Queen Mary, which the forecited act of King James VI. relateth unto and ratifieth; for that act is to be understood "of particular leagues or bonds of man-rent (as they called it), or maintenance respective," and that by private persons in burgh and land; and therefore cannot be understood of leagues or bonds made by the body of the land in their representatives in parliament, which hath so much power in making of leagues, that without their consent the king cannot make a league, as is clear by a league which King Robert II. consented unto betwixt Scotland, France, and England, which was annulled because it wanted the parliament's consent; for, saith Buchanan in the end of his 9th book, *Neque enim ipse pacem vel inducias facere poterat nisi ex sententia publici conventus, nec firmas polliceri sine publico decreto*,—"He could neither make nor promise truce or peace without the parliament's consent." And in the 10th parliament, King James VI., 1585, among the unprinted acts, there is one containing the assent of the parliament for concluding of a league with the Queen of England. 2. The parliaments of Scotland have made leagues with foreign princes without the king's consent, as that parliament which deposed the queen-mother from her regency, did enter into a league with the Queen of England. 3. All leagues and bonds made by the parliament were ratified by this king, by his solemn oath, both before and at his coronation, and, therefore, none in conscience could condemn these bonds, or take an oath importing the same. What is more alleged against the league and covenant shall be fully examined hereafter, sect. 22.

Sixthly, Nor was there just cause, upon this account, to condemn Scotland for aiding and assisting of England in their strait and extreme danger: because, 1. It is a most ordinary thing for one nation to send help and relief unto another. Thus the French and the English helped the Hollanders; the king of Britain offered to help

the Rochelle and the Palatinate. 2. It was against a common enemy, a popish, prelatical and malignant faction, seeking the ruin of religion, laws and liberties in Scotland as well as in England. By the light of nature, a common fear uniteth even those who are farthest divided; and so, while Scotland fought for England they fought for themselves and their own safety; and whatever law will warrant nations now to join together against the Turk, will warrant Scotland's joining with England against the common enemy; yea, nature hath taught heathens to prevent their own ruin and destruction, by joining their forces with other neighbours against one who designed nothing but the promoting of his empire. Thus the Romans warred against Philip, lest Greece, being subdued, he should make war against them; thus the Lacedæmonians warred against the Olynthii: and divers other instances might be given. 3. Scotland and England used to join together before, and to enter into a league with other princes for the defence of the protestant religion, as 1586; and again, 1587 and 1588, they draw up a league among themselves. But it will be replied that this was with the consent of the supreme magistrate. *Ans.* True; but the want of this consent will not make such aiding and supplying unlawful so long as the law of nature is to the fore, obliging every man to defend his neighbour. And are not Scotland and England near neighbours, being in one island, and under one king? Neither did they wait for the consent of Scotland's supreme magistrate when they helped them first against the French, and next against a faction of Papists within their own bosom; and therefore Scotland should not now wait for the consent of England's king, when they were to help them against a popish and prelatical faction. Nor needed Scotland to wait for the consent of their own supreme magistrate, because, as the law of nature doth oblige every one to defend himself by force of arms against an army of bloody enemies, though the king should not consent (as shall be shown hereafter), so the law of nature will warrant any to defend their brother, though the king should not consent, especially seeing thereby they are but defending themselves against such an enemy as would next fall on them. 4. The law of God will warrant this communion of saints, Prov. xxiv. 11, 12; and the com-

mendable practice of those who helped David, 1 Chron. xii. 18; 1 Sam. xxii. 2.

Seventhly, Nor was there ground for condemning the "land's renewing of the national covenant, 1638 and 1639:" because, 1. There is no absolute necessity for asking and obtaining the king's consent to the same; as if a kingdom, once sworn and obliged in covenant with God, might not renew the same obligation as oft as they thought fit. There is no such necessity of having his Majesty's express consent and approbation, either to the first making or to the renewing of the same with God (as shall be more fully shown hereafter): there is no law of God for this. 2. Nor is there any municipal law inhibiting the renewing of that covenant; yea, that warrant by which all the land took it at the first, namely, the king and his council's command to ministers, to put their parishioners to take it, and several acts of General Assemblies stand still in force; and, accordingly, in each university the covenant was renewed yearly. 3. Moreover, the General Assembly, 1639, enjoined by ecclesiastical authority the subscription of the same; and the Assembly presented a supplication unto the privy council, desiring their ordinance for the subscription of the same by all the subjects of the kingdom; and this was granted August 30. And, 1640, the parliament, by their 5th act, did ratify the act of the General Assembly, their supplication, and the act of council thereupon; which act of parliament was approved by the king in the large treaty, and thereafter by his personal presence at the next session of parliament, where all was ratified. So that this deed of renewing the national covenant wanted nothing, either in point of law or conscience, to make it lawful; and therefore it had been unlawful to have taken such an oath as would have imported the condemning of that deed.

Eighthly, Nor was there ground for condemning the church assemblies at which the king's commissioner was not present, or which wanted his special approbation: 1. Because there is no warrant in the word of God clearing this necessity, but much to the contrary. 2. No municipal law of the land is against such meetings, because the act, 1584, was taken away and rescinded, 1592; and, since that time, there is no law annulling all assemblies which want his Majesty's approbation and consent. 3. It was

never either the profession or the practice of that church, as is clear by what is said, sect. 1. It will be a fitter place to speak to this when the ecclesiastic part of the oath is spoken to, which shall be done, sect. 12.

## SECTION XI.

### THE FORMER PURPOSE FURTHER PROSECUTED, AND THE LAWFULNESS OF SCOTLAND'S DE- FENSIVE WAR DEMONSTRATED.

There are other two particulars (or rather one, for they are much to one purpose) which virtually would have been condemned by the taking of this oath thus explained: As to its civil part, namely, Scotland's rising in arms, in their own defence, against the king's armies of Papists and malignants, and their seizing on the castles which, within their own bosom, were threatening their ruin when garrisoned with adversaries. These must now be spoken to; and so,

Ninthly, There is no ground to condemn that "defensive war," though much hath been said by court parasites, and others who were ambitious of gain and preferment, to exaggerate and aggravate that supposed crime, and thereby to make them and their cause odious to all the world; yet rational and indifferent persons will, after serious pondering of a few particulars, forbear to pass any rash sentence. Much hath been already said in the defence of that business by the author of *Lex Rex*, and more than ever could or will be answered; and therefore that book behoved to be answered by a fiery fagot, and by Mr Prynne's *Sovereign Power of Parliaments*, &c., a book published by authority of parliament, and never answered to this day; and therefore there will not be a necessity of insisting much on it here, only a short hint at some particulars will suffice:—

1. In point of conscience it will be hard to prove that the power of war resideth only in the king, and that he only beareth the sword: for, 1. Rom. xiii., the sword is given to all magistrates; for the Apostle there speaketh of "higher powers" indefinitely, in the plural number, without specifying any kind; and it is certain Rome had not two or more kings at once. And if the Apostle had intended only Nero, he would have designed him in the singular number.

He speaketh of powers that are "of God," and "are ordained of God;" and this agreeth to inferior magistrates, who are God's deputies, and judge for him as well as others. 2 Chron. xix. 6, 7; Deut. i. 16; Num. xi. 16, 17. He speaketh of "rulers," and this name agreeth to inferior magistrates, as may be seen, Exod. xviii. 21, 22, 25, 26; xvi. 22; xxxiv. 31; 2 Kings x. 1; 1 Chron. xii. 14; xxvi. 32. He speaketh of such as must not be resisted, but subjected unto; and Peter sheweth who these are, 1 Pet. ii. 13, 14. even "governors" under the king, as well as the king himself. He speaketh of such as are "God's ministers," which is a general word comprehending all civil governors. He speaketh of all such "to whom tribute," custom, honour, or fear "is due," and so he must take in all magistrates, otherwise this text should not concern commonwealths, which are ruled without a king. He speaketh of such as are "revengers" by office, "to execute wrath on them that do evil;" and thus are "a terror to evil-doers, and a praise to them that do well;" and this agreeth to all magistrates; and therefore this place cannot be understood as speaking of any single person, or of Nero, concerning whom it is a great question among lawyers, if, at this time, he had the highest sovereign power in the Roman state, as learned Prynne sheweth in his *Sovereign Power of Parliaments*, &c., part 3, p. 109—12. 2. Inferior judges do judge for the Lord, and are deputed of him, and therefore they are endued with power from him for that effect, 2 Chron. xix. 6, 7; Deut. i. 17. 3. Inferior judges are commanded to rule well, and they are threatened and rebuked for maladministration. See Jer. v. 1; Isa. i. 17, 21; v. 7; x. 2; lix. 14; Jer. xxii. 3; Ezek. xviii. 8; Amos v. 7; Mic. iii. 9; Lev. xix. 15; Deut. xvii. 11; Exod. xxxii. 2. Now, would God command those inferior magistrates to relieve the oppressed, to judge the fatherless, to plead for the widow, if they had not the power of the sword for this effect; or would he challenge them for neglecting this duty if they had not been empowered by him for that effect? Doubtless not. So, then, if inferior magistrates be endued with power of the sword, they ought to defend the fatherless, the widow, and the oppressed subjects; by the help of the sword they ought to rescue them from the hands of their oppressors. And, therefore, when popish malig-

nant enemies rise up in arms, and seek to destroy the land, man, wife and child, the inferior magistrates, much more the parliament, may lawfully draw the sword which God had given them for the relief of the innocent, and defence of the country, their lives, lands, goods, religion, and all that is dear to them, against malicious and open enemies.

2. Buchanan, a man well acquainted with the laws and constitutions of Scotland, in his book, *De Jure Regni apud Scotos*, saith, that the kings of Scotland had no power of peace or war without the parliament's consent: so that a war raised by the parliament against the common enemy, in defence of the king's honour, the safety of the people, and the purity of religion, cannot be condemned as unjust and illegal.

3. The renowned historian, Buchanan, sheweth also, that the kings of Scotland have been oftentimes resisted by arms, which a few instances will evidence: When Dursus, the eleventh king, banished all his father's friends, and became loose and dissolute, he was pursued by the nobles, till he was forced to profess his repentance, and promise amendment; and afterward, when he had cut off many of his nobles by treachery, the rest did rise up in arms against him, and kill him in battle. So they rose in arms against Gillus for his wickedness, and against Evenus III., who was a most vile and wicked man. So, with one consent, they arose against Dardanus, and slew his wicked servants, who had been instruments of much evil: they routed his forces and took himself prisoner. When Mogaldus grew odious, by reason of his vices, they rose up in arms against him. So did they levy forces against Athircus: when Romachus had become cruel, and had put many to death, they rose in arms against him: when Ferchard I. turned tyrant, he was summoned before a parliament, and when he refused to come, they levied forces against him, and pursued him,—they stormed his castle, in which he thought to shelter himself, and at length he was taken prisoner. So did they purpose to rise in arms against Ferchard II., if they had not been diverted. Likewise when King James III. had been seduced by his evil courtiers, and had plotted the murder of the nobles, they raised an army against him, and at length killed him. So did the nobles take up arms against Bothwell and the queen, and pursued her

until she rendered herself prisoner. The nobles wrote unto the queen-regent, 1560, for removing of the French forces, and did add (as Buchanan saith, lib. 17), "Which terms, if they be rejected, we take God and men to witness, that we take arms from no innate malice or hatred, but, sore against our wills, are forced to assay the last remedy, lest we should expose ourselves, our fortunes, and our posterity, to the worst of calamities." Hence it was clear that it was the common practice of the parliaments of Scotland (and *lex currit cum praxi*) to rise in arms against their kings when they turned tyrants; and, therefore, the parliament's late taking up of arms in their own sinless self-defence, can nowise be condemned. Let court-sycophants speak what they please to make that business odious, they both bewray their malice and ignorance of the fundamental constitution of that kingdom.

4. Though, for all that is said, the parliament's interest in war should be questioned, yet their late defensive war may be justified upon clear and undeniable grounds; for there is no such connection betwixt these two, but they are rather two distinct questions: natural, sinless self-defence, may belong to such as have not properly, in strict law, the power of war.

5. The practice of other protestant princes and magistrates sheweth that their practice was not so odd nor odious as men (who have taught their tongues to speak lies) would make the world believe it was; for Sleidan, lib. 8, 21, 22; and Bilson, out of him, in his *Difference*, &c., part 3, p. 274, saith, that the German princes levied war against the emperor, namely, the Duke of Saxony, the Landgrave of Hesse, and the magistrates of Magdeburg, together with other princes and cities, joining in the war, who, having had the advice and resolution of lawyers, after mature deliberation, did conclude, "That the laws of the empire permitted resistance of the emperor in some cases: That the times were then so dangerous that the very force of conscience, and necessity, did lead them to arms, and to make a league to defend themselves, though Cæsar, or any in his name, would make war against them; and that, if the emperor had kept his bonds and covenants, they would have done their duty; but, because he made the first breach, the fault was his; for since he attempteth to root out religion, and subvert our liberties, he giveth us cause enough to resist him

with a good conscience. The matter, standing as it doth, we may (say they) resist, as may be showed both by sacred and profane histories. Unjust violence is not God's ordinance; neither are we bound to him by any other reason than if he kept the conditions on which he was created emperor. By the laws themselves it is provided that the superior magistrate shall not infringe the right of the inferior, and if the superior magistrate exceed the limits of his power, and command that which is wicked, not only we need not obey him, but, if he offer force, we may resist him." Upon these grounds did those worthies resolve to defend themselves by armies. Next they have the example and precedent of the Protestants in France, who, in the reign of Francis II., 1559, being oppressed with the Guisian faction, assembled themselves, and consulted lawyers and divines concerning resisting of the king in that case; and it was resolved, "That they might lawfully oppose themselves against the government, which the house of Guise had usurped, and, when needful, take arms to repulse their violence: If the princes, who in this case are born magistrates, or some one of them would undertake it, being ordered by the states of the realm, or by the sounder part thereof." See *General History of France*, p. 682, 683. So, 1614, the prince of Conde, with other princes, peers, dukes, noblemen, and officers of the crown, convening at Meziere, wrote to the queen, complaining of divers grievances and wrongs, and sought remedy and redress, by the assembly of the three estates; protesting that they desired nothing but peace and the good of the realm, and that they would attempt nothing to the contrary, unless, by the rash resolution of their enemies (who covered themselves with the cloak of state, under the queen-regent's authority), they should be provoked to repel the injuries done unto the king and state, by a natural, just, and necessary defence. See the *Continuation of the Life of Louis XIII.*, p. 59, &c. So in the reign of Charles IX., when all acts of pacification were broken, after many fruitless petitions, and vain promises, they take up arms, whereupon a bloody civil war ensued; and when this king, contrary to his oath, 1572, caused that massacre at Paris, the Protestants in Languedoc, Rochelle, and other parts, took up arms in their own defence. So when Henry III. came to the

crown, the Protestants saw a necessity of standing to their defence, and being assaulted, they manfully defended themselves; and again, when the peace which was now concluded was broken by the instigation of the Catholic leaguers, the king of Navarre, the prince of Conde, the marshal of Montmorency, and others, resolved to defend themselves, whereupon followed a sixth civil war, which ended in a new peace, 1580. So, in the reign of Louis, his son, when the queen-mother, who was then regent, would give no redress unto the Protestants' just grievances, the prince of Conde, and divers others, raised forces in their own defence, and the duke of Rhoan, and other Protestants, did join with them. A peace was concluded, 1616; but the very next year the prince of Conde is seized upon, whereupon the princes, meeting at Soissons, resolved to defend themselves by war, which continued 1621, 1622. At last a peace was concluded, but it lasted not long, by Cardinal Richelieu's means. 3. They have, in the third place, the practice of the Netherlands (mentioned in the *General History of the Netherlands*, lib. 9, p. 369, &c.), who, being oppressed in bodies and states, by the Duke of Alva and the Spaniards' tyranny, and their consciences tyrannised over by the Spanish Inquisition, introduced of purpose to extirpate religion, after serious deliberation and consultation with lawyers, divines, and learned men of all sorts, did unanimously conclude to enter into a solemn covenant to defend religion, lives, and liberties, by force of arms; and, 1572, the prince of Orange and his confederates published a protestation, showing the grounds of their rising up in arms, namely, "For zeal to the country, for the glory of God, because of the inhumanities and oppressions, and more than barbarous and insupportable tyranny and encroachments upon their privileges, liberties, and freedom." 4. They have the practice of the Waldenses in Piedmont, 1558, and 1561, who, being persecuted by the lords of Trinity, and other popish sovereigns, assembled solemnly together to consult how they might prevent danger; and, after long prayer and calling upon God, they concluded to enter into a solemn mutual covenant for defence of themselves and their religion, and did so with success, obtaining many notable victories against their persecutors: see Fox's *Acts and Mon.*, vol. ii., p. 208, 209. So, Nov. 11, 1571, there is a league made

for mutual assistance of each other in times of persecution, a copy whereof is to be seen in Mr Moreland's *History of Piedmont*, p. 252, 253. 5. They have the practice of the people of Arragon (mentioned by Blanca in his *Comment.*, p. 661, 652), anno 1286, in the days of Alphonso III., who, when there fell out a contest betwixt him and the parliament, through the evil counsel of his courtiers, resolved to associate themselves together and to raise forces, it being lawful, for the common cause of liberty, to contend not only with words but with arms, and their *Suprarbiense Forum*, or *Justitia Aragonica*, which was erected of purpose to withstand the tyranny of kings, had power to resist their king with force of arms. So, 1283, they tell Pedro III., their king, that if he would not contain himself within the limits of the laws they would pursue him by arms. 6. They have the practice of other Spaniards, as may be seen in the *General History of Spain*, lib. 13—15, who rose in arms several times against Pedro I., king of Castile. 7. They have the practice of the Hungarians, 1608, in the days of Matthias, for, when he denied free exercise of religion unto the Protestants of Austria, they took up arms in their own defence, and, assembling at Horne, sent a protestation unto the estates of Hungary, requiring assistance, conform to the offensive and defensive league. See Grimstone's *Imp. Hist.*, p. 730, &c. 8. They have the practice of the Polonians, who oftentimes levied war against their kings, as Grimstone, in his *Imp. Hist.*, and Chytræus, in *Chron. Sax.*, show. 9. They have the practice of the Danes' rising in arms against Christian II., who, 1524, was solemnly deposed, as may be seen in Chytræus, *Chron. Sax.*, lib. 10. 10. They have the practice of the Swedes' rising up in arms against Christian I., for breach of his covenant made at his coronation: this was about the year 1499. See Chytræus, *ubi supra*. 11. They have the practice of the Helvetians: first, three of their cantons, namely, the Suintians, Urians, and Underwaldians, 1260, levied war against their oppressing nobles, and did prosecute the same twelve years; and, 1308, they join in covenant to defend themselves against the house of Austria, and defended themselves most resolutely against the huge armies of their adversaries, and upon the 16th of November 1316, obtained a great victory;

and that same year they renewed their covenant at Brunn; in which covenant the other ten cantons, at several times thereafter, being oppressed by their nobles, did join, and at length, by war, brought themselves into that state of liberty in which they are at this day. See for all this Simlerus, *de Repub. Helvet.* 12. And, lastly, they have the practice of the Bohemians, who, in the days of Wenceslaus and Sigismund, waged great wars, under the conduct of valiant Zisca. See Fox's *Acts and Monuments*, vol. i. And thereafter, in the days of Ferdinand, they resolved to fight courageously against all their enemies, how great soever they were. But in case some should be so bold as to condemn all those acts as treacherous and rebellious, let it be considered,

6. That some of those same practices are allowed and approved even by the kings of Britain; for King James, in his answer to Cardinal Perron, justifieth the Protestants of France's taking up arms in their own defence. Memorable is that speech which King James had in the parliament house, 1609: "A king (saith he), governing in a settled kingdom, ceaseth to be a king, and degenerateth into a tyrant, so soon as he leaveth to rule by his laws; much more when he beginneth to invade his subjects' persons, rights, and liberties; to set up an arbitrary power, impose unlawful taxes, raise forces, and make war upon his subjects, whom he should protect and rule in peace; to pillage, plunder, waste, and spoil his kingdom; imprison, murder, and destroy his people, in a hostile manner to captivate them to his pleasure." This is a sentence well worthy to come out of a king's mouth, and to be engraven upon the thrones of kings and princes; and doth more than abundantly justify Scotland in their late defensive war. Moreover, Queen Elizabeth and King James, both by the public advice and consent of their realms, did give public aid and assistance unto the Protestants of France against their king, and to the Netherlands against the king of Spain, and to the Protestants in Germany and Bohemia against the emperor, and entered into solemn leagues and covenants with them. If they had been traitors and rebels, and that action of defence utterly unlawful, would those princes have joined with them in this manner? Who can think this? So did King Charles I. openly

avow to aid the Protestants in France at Ree and Rochelle against their king, who was come in arms against them; and the German princes against the emperor; and the Netherlands against the king of Spain; and entered into a solemn league with them for that end. All which do abundantly justify the Scottish defensive wars, and free Scotland from the aspersion of disloyalty and rebellion. But, moreover,

7. It is to be considered, that King Charles I. himself hath fully freed them of all these aspersions, in his public acts in his parliaments, declaring, the Scots' late taking up of arms against him and his counsellors, in defence of their religion, laws, and privileges, to be no treason nor rebellion; and them to be his true and loyal subjects (notwithstanding of all aspersions cast upon them by the prelatical and popish party), because they had no evil nor disloyal intentions at all against his Majesty's person, crown, and dignity, but only a care of their own preservation, and the redress of these enormities, pressures, and grievances in church and state, which threatened desolation to both. See *The Acts of Oblivion and Pacification*. Here is enough to stop the mouths of all calumniators, and to vindicate them, and to clear the innocency of their cause before all the world. And further, King Charles, who now is, did approve of the same in his declaration at Dunfermline, which is cited, sect. 2.

8. Some of their chief antagonists are forced, through the clearness of truth, to assert such things, and grant such particulars as will, by clear and undeniable consequence, justify their taking up of arms and resisting the armies of their king, when they came against them to destroy religion, lives, laws, and liberties (beside that all of them are forced to speak most inconsequently unto their own principles, and, by their concessions, do overthrow their own grounds and arguments, as might easily be made to appear if to discourse at length of this subject were designed now): as, 1. John Barclay, lib. 4, cap. 16, saith expressly, "That if a king will alienate and subject his kingdom to another, without his subjects' consent, or be carried with a hostile mind to the destruction of all his people, his kingdom is actually lost, and the people may not only lawfully resist and disobey, but also depose him." This is more than the Scots could desire; for they

plead not for deposing or dethroning of kings, but only for resisting and withstanding them when they carry a hostile mind against them (whereof a strong army of strangers, marching with arms to their borders, after they were, contrary to all law, declared rebels, is as evident a demonstration as can be), and are seeking the ruin and destruction of their own subjects. They plead only, that, in that case, the people may, and are bound before God to, defend themselves, when their religion (which ought to be dearer to them than anything else) is sought to be taken away or altered, and service books, or mass books, and the like, tyrannically obtruded upon them. So, *Contra Monarch.*, lib. 2, cap. 8, he granteth that "the people have right to defend themselves against great cruelty;" and what greater cruelty could be expected by a nation from their king than to be blocked up by sea and land, threatened with utter ruin and extirpation, unless they would sell soul and conscience and all. Doth not this speak abundantly for the justifying of them? 2. Dr Ferne, part 3, sect. 5, acknowledgeth "that personal defence is lawful against the sudden and illegal assaults of the king's messengers, or of himself, in so far as to ward off his blows, to hold his hands, and when the assault is inevitable." Now, if resistance be lawful against sudden assaults, much more against premeditated, deliberated and advised assaults: if resistance of illegal assaults be lawful, then they cannot be condemned, because the assaults of the king's forces were against all law and reason; for there is no law warranting the king, or any other having a commission from him, to force Popery upon them by arms: if resistance be lawful against inevitable assaults, then they are justified; for how could they resist the assault of so many thousand armed men, but with armed men? Yea, when he alloweth in such a case that hands may be laid upon the prince, he more than justifieth them who never did intend harm to his Majesty's person and honour, but wished and sought the safety and preservation thereof by all means. And again, when he would answer the argument taken from Elisha's resisting of the king, he granteth "that it is lawful to resist the king's cut-throats;" and what did Scotland more than resist his bloody emissaries? Moreover he alloweth, "to private persons, li-



berty to deny subsidies and tribute to the prince when he employeth it to the destruction of the commonwealth;" and is not this a clear resistance and a taking of the sword out of his hand? But what shall a nation do that cannot get pay holden from a plundering army of enemies, and so cannot get them disbanded, but take up arms and force them to it? This is but resistance, and the other is resistance. *Majus et minus non variant speciem*; yea, it is a question if it be lawful to deny to the king any of his tribute, though it be clear enough that it is lawful for a nation to defend themselves against the king's unjust and illegal commissions. The same doctor, in *Conscience Satisfied*, sect. 5, confesseth that *salus populi est suprema lex*; and if so, some means must needs be allowed unto the people to preserve their own safety when it is in hazard, and to recover it when almost lost by the invasion and tyranny of governors, who, instead of levelling all to that end, which should be before their eyes, are taking courses tending to the destruction of the people. To come with an army of armed enemies against a commonwealth is no fit mean to preserve that commonwealth, but, to common sense, speaketh out an intention to destroy the same; and therefore Scotland cannot be condemned for preserving itself in such a case. 3. John Bodin, *de Republ.*, lib. 2, cap. 5, granteth, "That if a king turn tyrant, he may lawfully, at his subjects' request, be invaded, resisted, condemned or slain by a foreign prince," and proveth it at large from several examples. And if a foreign prince may do this, why may not the subjects themselves do it if they be able? If the subjects may petition for this help, why may they not forbear to trouble strangers if they be able to do it themselves? A foreign prince hath no more superiority nor right over their prince for that effect than they have themselves; yea, not so much. And elsewhere, in that book, namely, lib. 1, cap. 10, and lib. 5, cap. 5, he alloweth subjects to resist and to depose kings in some cases; which is more than Scotland doth desire. 4. Arnisæus, *de Author. Prin.*, cap. 2, num. 10, granteth, "That if the prince proceed *extrajudicialiter*, without order of law, by violence, every private man hath power to resist;" much more, then, may the body and representatives of a land resist, when he cometh against them with fire and sword,

which is the most extrajudicial acting imaginable. So cap. 10, num. 4, he granteth that "limited princes may be resisted;" and such an one is, and always was, the king of Scotland; for they never knew an absolute prince, as is clear from what hath been already said. 5. So Grotius, who, *de Jure Belli et Pacis*, lib. 1, cap. 4, num. 1, denieth that the war of subjects against superiors is lawful, and would prove it by the law of nature, the Mosaical law, the gospel, and by the practice of the primitive Christians; and, num. 6, denieth this not only to private subjects, but also to inferior magistrates; all which to examine is not the work presently intended; only it is worth the noticing, that even he is forced to grant many things which serve abundantly to justify the practice of Scotland; for, *ibid.*, num. 7, he granteth "the law of not resisting doth not bind when the danger is most weighty and certain;" and doth prove it thus: Because the laws of God in some cases admit the exception of extreme necessity, as the law of the Sabbath; and further addeth, That this law about resistance hath its rise from their will who did first associate themselves in a society, and created governors over themselves; for if they were asked whether they would acknowledge these conditions, that they should die rather than resist, in any case, they would not grant it, unless in this case, when resistance would wrong the commonwealth, and occasion the killing of many innocents. He further proveth it from that passage which was cited out of Barclay; yea, he dare not condemn any, no, not the lesser part of the people who rise in arms in extreme necessity; far less would he condemn the body of a land using this last remedy in the extremity of hazard and danger. Further he proveth this from David, who took armed men, 1 Sam. xxii. 2; xxiii. 13, to resist the violence of Saul, after he had learned for certainty that he was seeking his life; and from the Maccabees, whom (as he thinketh) nothing else can defend but the great and imminent danger in which they were. And, further, num. 8, he granteth that such princes may not only be resisted, but also punished by death, who are not absolute. And it hath been shown that the kings of Scotland have been obnoxious unto their parliaments, and yet they desire not so much as is here granted. Moreover, num. 10, he assenteth to Barclay's saying, as

hath been cited, "That if a king alienate his kingdom he looseth it;" but, further, he addeth, "If the prince but attempt to do so, and to subject it to another, he may be resisted." And, also, num. 11, he assenteth to Barclay's saying, as hath been cited, "That the king doth lose his power when he seeketh the destruction of his subjects." And again, he saith, num. 13, "If the king hath one part of the supremacy, and the senate another, then the king may be resisted when he encroacheth upon the senate, and that notwithstanding that it were granted the king only had power of war; for that is to be understood only of war with foreigners." Thus he doth abundantly justify the late defensive war of Scotland against their prince, who was encroaching upon the liberties of parliament and people.

These particulars seriously pondered will do much to clear their innocency unto the world, and to vindicate their cause and practice from the many foul calumnies and aspersions which the Dogs of the generation did cast upon them, of purpose to foment the discord betwixt the king and his faithful and loyal subjects. And though, by what is said and conceded by their adversaries, the clearness and equity of their cause appeareth, both in point of law and conscience, yet, for further clearing of the same, these few following particulars may have some weight:—

1. There is great difference to be put betwixt actual disobeying of, rebelling against, and violently, with force of arms, resisting the lawful magistrate's doing his duty, and commanding just things, warranted by the laws of God and the land, and disobeying his unjust acts, and resisting his violent, tyrannical, oppressing, plundering, spoiling and killing armies. The former is a resisting of the very ordinance of God, forbidden Rom. xiii., where the Apostle is speaking of the civil magistrate doing his duty, and, in his place, as God's deputy, exercising the duties of his calling, and executing his office; but, in the other case, the magistrate is out of his function and calling; for God giveth no command to do evil, nor to tyrannise. He is not God's viceregent when he playeth the tyrant, and therefore he may be resisted and opposed without any violence done to the office or ordinance of God. As the king's messenger may be resisted and withstood when he crosseth his commission and

warrant, without any wrong done to the office or to the king, every disobedience in things sinful is not a resisting of the ordinance of God. The office may be owned, and the person in the office honoured and esteemed as he ought, when yet his unjust violence may be resisted, and his sinful commands disobeyed; for it is only powers that are ordained of God that must not be resisted; and tyrants, or magistrates turning tyrants, and exercising tyranny, cannot be called the ordinance of God,—though the office, abstracted from the tyranny, be the ordinance of God. And there is no hazard of damnation for refusing to obey unjust laws, but rather hazard of damnation in willingly following after the command: and so there is no danger in resisting such acts of tyranny; for tyrants exercising tyranny are no terror to evil-doers, but, on the contrary, they are a terror to good works; and therefore that place, Rom. xiii., cannot be understood of tyrants. It is a true and a worthy saying of famous Mr Knox, in his *History of Scotland*, lib. 2, p. 141, "There is a great difference betwixt the authority which is God's ordinance and the persons of those who are placed in authority. The authority and God's ordinance can never do wrong, but the corrupt person placed in authority may offend: so that the king, as king, is one thing, and the king acting tyranny is another thing." They plead not for rebelling against the office, or resisting that which is God's ordinance: they did never intend to destroy magistracy, or to lessen the king's Majesty's just power and lawful authority, or to wrong the office in the least; and therefore, all the arguments of their adversaries, taken from Rom. xiii., or the like places, which speak against withstanding and opposing of the office and divine appointment of God, are of no force against them and their cause. Tyranny is one thing and the office of the king is another thing; and what arguments speak well against resisting the office, or the person duly and legally discharging the duties belonging to that office, will not conclude against resisting of tyranny. So that all the arguments taken from Num. xvi.; Exod. xxii. 28; Eccl. x. 20; viii. 2—4; Prov. xvii. 26, and the like places, do not speak home to their case.

2. There is also a great difference betwixt rising up in arms without any just lawful ground, or for trifles, or matters of

small moment,—as for the exacting of some more tribute than is due by the law, or the like,—and rising up in arms in extreme necessity, when religion, laws, lives and liberties, and all that was dear to them as men and as Christians, were in hazard. And this was their case; for the king came with an army upon them, and blocked them up both by sea and land, and thus, with foreigners, was seeking to subdue them, and so to overturn religion, laws, liberties and all. Was not this extreme necessity? What more imminent danger could be expected than an army of bloody Papists, bent to prosecute their bloody designs, coming with fire and sword, encouraged by a commission from the king, and so approaching their very borders? Was there not then a necessity, an extreme and inevitable necessity, to rise up in arms, for the safety of religion, laws, lives and liberties, when all was thus in most imminent danger? Should the parliament and the whole body of the land give up unto the lust of these bloody Irish, popish, prelatical and malignant enemies, their own lives, and the lives of their wives and children, their liberties as men and as Christians? Should they sell religion and the land, their souls and their consciences unto those men, because (forsooth) they had a commission from the king? There is no reason in the world for this. Therefore, seeing there is nothing more dear to people than their religion, their lives and their liberties, a war raised in the defence of these cannot be accounted a war raised upon trifles, or sedition, faction, or mutiny; but a necessary defensive war, not raised upon private injuries and contentments, but upon matters of the greatest importance and necessity, namely, to prevent the extirpation of religion, the subversion of laws and liberties, and the destruction of lives and all. Cicero, *de Officiis*, lib. 2, can tell us, that *Omnium societatum nulla est gratior, nulla carior, quam ea quæ cum republica est unicuique nostrum; cari sunt parentes, cari liberi, propinqui, familiares, sed omnes omnium caritates patria una complexa est, pro qua quis bonus dubitat mortem oppetere si ei sit profuturus?*

3. There is also a difference betwixt a war raised of purpose to force the supreme magistrate to be of the same religion with the subject, or else to dethrone him, and a war raised to defend that religion which both magistrate and subject owneth; be-

twixt a war raised in defence of that religion which had never been established by the laws of the land, and a war raised in defence of that religion which is publicly owned by the laws of the land, and which king and subject both are sworn to maintain, and which, by the laws, becometh a civil right, and a part of the civil liberty of the subject. Whatever may be said against a war raised in the former case, yet, in this last case, a war defensive is most warrantable. And this was the very case of Scotland; for they were seeking to defend the religion which was established by the laws of the land, and which popish and prelatical malignants were seeking to overturn: so that any argument which adversaries can bring from the practice of the primitive Christians will conclude nothing against them; because the true religion was not then established by law,—the emperors had never consented thereunto,—but it was otherwise in Scotland, as hath been abundantly shown, sect. 1, 2.

4. There is also a difference betwixt a violent laying of hands upon the person of the king of purpose to destroy and cut him off, or to denude him of his just power and privilege, and that in cold blood too, by private persons, for some personal injuries,—this they abhor and ever have abhorred,—and betwixt a sinless self-defence, when unjustly assaulted by armies sent by the king to destroy and cut them off. In pleading for a sinless self-defence they do not plead for an illegal taking away of the life of a king. Their raising of forces in their own sinless self-defence cannot be condemned; there being an actual invasion made upon their lives and liberties, which made their war to be *tutela vitæ proxima*,—"the last refuge for the life," and the only remedy that was left for the safety of religion, and of all that was dear unto them. So, then, their case not being a prosecution of a design of some private persons, upon some private injuries received, to destroy and cut off the king, or to denude him of his just power and privilege, but a national defence of religion, lives and liberties, against the king's armies, unjustly seeking to destroy and violently to overturn all, none of the arguments of adversaries taken from 1 Sam. xxiv. 6, 10; xxvi. 9, 11, 23; 2 Sam. i. 12, 16, do conclude against them, or speak to their case.

5. There is also a great difference betwixt a war contrived and carried on by

private persons when grievously oppressed, and a war carried on by the body of a land in their representatives in parliament, against a king. Suppose the first could not be well defended (which yet is not absolutely denied) yet this last is clear; for a parliament hath more power over a king than any private person or subject, how great soever, hath. Judicious Calvin is clear for this in his *Institutes*, lib. 4, cap. 20, num. 39, saying, "If there be inferior magistrates, such as the *ephori* among the Lacedæmonians, *tribunes* among the Romans, the *demarchi* among the Athenians, and as the *estates of parliament* in kingdoms now; if these connive at the king's oppressing of the people they become perfidious, because they betray the people's liberty, which, by God's appointment, they are to protect." Thus Scotland is cleared; for their war was carried on by the body of the land in their representatives, by their parliament, acting in its public and parliamentary capacity; and so the arguments drawn by adversaries from the practice of the primitive Christians speak nothing against the parliament of Scotland's levying war against the king in their own defence, and in the defence of the liberties and laws of the land.

6. There is a difference betwixt a war raised by a parliament of purpose to cut off the king, and to depose him from his throne and government (which hath been several times practised by the parliaments of Scotland, when their kings turned tyrants and vicious in their lives, as was shown above), and their case, which was a case of pure defence, there being no intention to offer the least violence to his Majesty's person, crown or dignity, but only to defend religion and the kingdom against the popish and malignant, invading and plundering forces, which were sent forth to destroy all; for their armies advanced with petitions, seeking redresses of wrongs, with all humility, and showing their willingness and readiness to lay down arms so soon as they were secured in the peaceable enjoyment of the religion sworn to, and freed from the just fears of those bloody invading forces who were seeking the destruction of their lives and liberties. So, then, when their adversaries reason against rising in arms against the king, they speak not to the point: none of these arguments come near to their case, which was a case of natural, sinless self-defence.

7. It would be considered that the war did not begin upon the parliament's side, but they were forced and constrained to it. The king commanded all the English nobility, with all their power and forces, to meet him at York, April 1639, that they might advance with him towards Scotland. The Scottish noblemen who were at court were also sent down towards Scotland to raise their friends, having some expert foreign officers with them. There were three thousand men sent down with the navy, and six hundred horsemen were sent down to the borders to make incursions. All which preparations of war did clearly speak out his Majesty's intention, and did necessitate them to bestir themselves in their own defence against those invaders, and to keep their own rights unviolated. And yet, withal, they had their supplications ready to present, after the granting of which, namely, a quiet and peaceable enjoyment of their religion, lives, laws, and liberties, they resolved to lay down arms; and, accordingly, did so; for, after the pacification, June 18, 1639, their army was disbanded. Again, when the parliament, which was convoked by his Majesty's command, conform to the pacification, was, contrary to the articles, and contrary to the liberties of the land and privileges of the parliament, prorogued, the castles of Edinburgh and Dumbarton were fortified with men and ammunition; their friends, travelling to England and Ireland, were constrained to swear unlawful oaths, or to go to prison; the sea was stopped, and no liberty was granted to traffic, and so the land was blocked up; the articles of pacification were broken; Berwick and Carlisle were fortified; the commissioners who were sent from the parliament to the king were imprisoned, contrary to the law of nations; the castle of Edinburgh was killing many, and threatening to destroy the whole city with their cannon; their ships were intercepted by sea, and their merchants spoiled of their goods; seamen were taken prisoners and miserably handled. When matters went thus, were they not constrained to take up arms again, and to advance towards England that they might seek peace from his Majesty, not being able to maintain an army on the borders, after they had been so impoverished, through the long want of free trading,—and not to lay down arms until their necessary and just desires were granted? Now let any judge whether they can be justly

blamed for standing to their defence, being thus necessitated, as they would not betray the land, their laws, their liberties, and their religion, and so sell their soul and consciences and all into the hands of their malicious enemies.

So then, when this shall be made the state of the question, whether or not the parliament, and body of the kingdom of Scotland, may not lawfully take up arms (having no purpose to wrong his Majesty's person, or to spoil him of his just rights and privileges) to defend themselves, lands, liberties, and (no less than) their religion, after it had been settled by law: when the king (instead of granting their just and necessary desires, namely, security that they should be ruled by lawful General Assemblies, and other inferior church judicatories, in church matters, according to the ancient discipline of the church; and, by a free parliament, in civil matters, according to the fundamental laws of the land; and that they might be free from illegal courts and alteration in their religion; and that the articles of agreement should be kept, and that granted which was promised under hand and seal) is raising a strong army of foreigners, Irish, popish, prelatical, and malignant enemies to the church and kingdom of Scotland, intending to destroy their land, lives and liberties, to overturn their religion and privileges; and, for this end, blocketh them up by sea and land, fortifieth castles in their bosom, giving them commission to destroy all they could, and denounceth them all rebels and traitors? Sure it may be supposed that, seeing this is the true state of the question, it shall easily be granted that this was a necessary defensive war, and that Scotland could do no less than they did, unless they would have willingly betrayed their religion and all which they had as men or as Christians, into the hands of their bloody and cruel adversaries; which no law would have warranted them to do.

But to put a close to this. Their practice is abundantly warranted,—

1. By lawyers, affirming that such a defensive war, *cui libet, omni jure, ipsoque rationis ducta permissa est*,—"Such a war is warranted to all by all laws imaginable." Spigelius tells us, in his *Lexicon tit. Bellum*, that "that is a just war which is undertaken for defence;" and citeth *l. ut Vim. ff. de Just. et Jure*. Yea, he tells us, that if a war be not undertaken for defence

it is sedition, though carried on by the emperor; for he can no more hurt by war than he take away a man's life without a cause; and again he telleth us, that that is a just and necessary war, *quod fit se et sua defendendo*; that is, "for defence of a man's life, lands, and goods, and liberties, and what is dear unto him." Hence is that common saying, *Vim vi repellere omnia jura permittunt*,—"It is lawful by all law to resist violence by force of arms." And, *Defendere se est juris naturæ et gentium*,—"The law of nature and nations teacheth every man to defend himself." And Cajus, the lawyer, saith, "That the very law of nature permitteth a man to defend himself against danger." And Florentinus, "It is right that whatever a man hath done in the defence of his own body should be accounted lawfully done." Yea, Ovid tells us the same,

*Armaque in armatos sumere jura sinunt*,—

To meet arm'd men with arms all laws allow.

2. By the concessions of adversaries; for they grant that it is lawful to flee from the tyranny of abused authority, as Moses did, Exod. ii.; David, 2 Sam. xix.; Elisha, 1 Kings xix.; Joseph and Christ, Matt. ii.; and this Christ warranteth expressly, Matt. x. Now this flying is a plain resisting of rulers; and if resisting be unlawful, this must be unlawful likewise, and if this be not unlawful, resisting cannot be unlawful; for the same justice and equity which warranteth men by flight to decline unjust assaults doth also warrant an escaping of them by resistance when flight will not do it (which was indeed the case of Scotland; for it is not imaginable how a whole land, man, wife and child, old and young, sick and whole, can flee from their habitations, and go seek their livelihoods in other kingdoms: beside, that it is a great question if the states of a land, the peers and inferior judges, were bound, by flying, to leave the land, liberties and all unto their enemies, if they had power to defend themselves); for if the law of nature oblige men to preserve themselves by flight from tyranny, it doth also oblige them to defend themselves by resisting when they cannot conveniently secure themselves by flight, or when they cannot flee without betraying of the country, religion and all. All this will be so much the clearer if it be considered, that if a tyrant hath legal power from God

to kill, he hath the same legal power to summon legally, and sist before his tribunal such and such persons; and therefore if it be unlawful to resist his tyrannous murders, it must be also unlawful to resist his legal citations to that effect, and so unlawful to flee; for one and the same power citeth and judgeth: therefore if the law of defence warrant one to resist his summons, and not to compear, it warranteth one to resist his tyranny if he can be able. It is true the one resistance is more, but *maius et minus non variant speciem*; and if the one be a fault in conscience, so must the other be. See *Lex, Rex*, p. 152, &c., edit. 1843. Next, they grant that it is lawful for subjects to resist a foreign enemy, invading the land with arms, and thus their practice is justified. It is true their enemies had the king's commission; but the having or wanting of such a commission will not alter the case of the land which is put to defend itself; for whether these enemies have such a commission or not, they are strangers and foreign enemies to the land, and they come with a hostile mind to destroy and to conquer the same; and, therefore, whatever commission they have, the people are bound to defend themselves, their families, young and old, their lands, their liberties, and their religion, and all which they have. They grant also that a private man may defend himself when violently assaulted, and his life is in danger, and when he can no way escape, he may rather kill as be killed. So Grotius, *de Jure Belli ac Pacis*, lib. 2, cap. 1, sect. 3: *Si corpus impetatur vi præsentem cum periculo vitæ non aliter vitabili, tunc bellum esse licitum, etiam cum interfectione periculum inferentis*. Much more will this hold good in the case of a whole kingdom, when they are assaulted by cruel enemies, and cannot escape with their wives and children, but must needs fall upon the sword of these bloody enemies, unless they use an innocent and lawful resistance; yea, *ibid.*, sect. 6, he granteth, that in case a man be in danger to suffer mutilation, he may resist, seeing the loss of a member, especially if it be a chief member, is sad, and, in some respect, comparable to the life; and moreover, saith he, it cannot be known whether or not the life may not be in danger thereby. Will not this then serve abundantly to justify Scotland when their enemies came with a purpose not only to mutilate, but also to

kill? They grant likewise that a maid may resist the king when he is seeking to abuse her. And shall not an army of malignants be resisted, who, if they get their will, would abuse virgins and married women also?

3. By the law of nature, nature hath given to beasts and birds power and ability to defend themselves, hence that

———*Omnibus hostem  
Præsidiumque datum sentire, et noscere tali  
Vimque modumque sui.*

'Tis given to all, their foe to know,  
And how to guard and ward the blow:  
To know their weapon even by sense,  
And how to use it in defence.

And that of Horace,

*Dente lupus, cornu taurus petit, unde nisi intus  
Monstratum?*

That wolves with tearing teeth and mouth,  
And bulls with pushing horns pursue,th,  
Whence is it that this skill they have?  
Nature within it to them gave.

And that of Lucretius,

*Sentit enim vim quidque suam, qua possit abusi,  
Cornua nota prius vitulo, quam frontibus æstant:  
Illis iratus petit, atque infensus inurget.*

Creatures their strength do early know,  
Which they may use, abuse also:  
The calf his horns doth know before  
On's forehead they show less or more;  
Pushing with them in tender age,  
And pressing hard as in a rage.

And shall beasts be in a better condition than man? Shall a bull have liberty to defend itself with horns, and shall man have no liberty to defend himself against tyrants, or soldiers, in their name, coming to kill, plunder, burn and slay all? Nature alloweth, *Vim vi repellere*,—"to resist violence with violence," to all, and against all violence, without exception. Nature can put no difference betwixt violence offered by a magistrate and violence offered by another person. *Defensio vitæ necessaria est, et a jure naturali profuit*,—"it is necessary by the law of nature that a man defend his life." And the reason is, because God hath implanted in every creature inclinations and motions to preserve itself, each are bound to love themselves better than their neighbours; for the love of themselves is the measure of that love which they owe to their neighbour. The law of nature alloweth one rather to kill than to be killed, and to defend himself more than his neighbour. Cicero, lib. 1, *de Officiis*, saith, *Injustitiæ duo genera sunt*, &c. "There are two kinds of wrongs; one of those who do the

wrong, the other of those who, when they may hold off the wrong, do it not: he who without cause setteth upon any, being angry, or some other way stirred up, layeth violent hands upon his neighbour; but he who doth not defend nor resist the injury when he may, is as far in the wrong as if he should desert his parents, his friends, and his country." And again, *Cum sint duo genera decertandi*, &c.—"There are two kinds of contending; one by arguing, which is proper to men, the other by force, which is proper to beasts: we must flee to this last when we cannot make use of the former." And again, in his *Orat. pro Milone*, he saith, *Est hæc non scripta*, &c.—"This law is not a law written but a law born with us: we have not learned it, nor acquired it, nor read it, but we have taken it, drawn it, and extracted it from nature itself, to which we are not taught but made, we are not instructed but are endued with it,—that if our life be in hazard by snares, by violence, and darts of thieves or enemies, all honest ways must be assayed to free our life. So reason teacheth this to the learned, necessity to the barbarians, and custom to nations; and to beasts nature itself hath prescribed this, that whatever way they can they should resist all violence, and save their lives." Thus you see nature itself, and such as spoke by the light of nature, do warrant such a practice.

4. By the law of nations, the actions of some of which have been mentioned already, and he who desireth to see more may consult Prynne's appendix to his *Sovereign Power of Parliaments*, &c.

5. By the law of God, as we see by many examples: 1. Of David, who, being but a private man, and a subject, and now unjustly persecuted by Saul, the king, who was seeking his life, is forced to defend himself with arms, by taking to him first six hundred men, 1 Chron. xii., and then a great host, ver. 22, 36; and this was warranted of God; for the Spirit of God commendeth them for their valour, ver. 2, 8, 18, 21. And the Spirit coming on Amasai, ver. 18, prompting him to speak what he spoke, cleareth it also. 2. Of Elisha, 2 Kings vi. 32, he keepeth out the house, against the king, by force, and resisteth him who was coming to use unjust violence. 3. Of the eighty priests who resisted Uzziah, 2 Chron. xxvi. 17. Those are called "most valiant men," and, it is said, "they withstood Uz-

ziah, and they thrust him out." 4. Of the people's rescuing of Jonathan, 1 Sam. xiv., unjustly condemned to die; they resisted the king's act and edict notwithstanding of his oath: yea, they did swear the contradictory of the king's oath. 5. Of Libnah revolting from Jehoram, 2 Chron. xxi. 10, because he pressed them to idolatry, as is probable from ver. 13. So saith Lavater, Zanchius, and Cornelius à Lapide. See also that noble commentator, [Boyd of] Trochrig on the Ephesians, p. 923.<sup>1</sup> 6. Of the city Abel resisting Joab, 2 Sam. xx. 7. Of Elijah (2 Kings i.) killing many hundreds of the king's men and emissaries sent to apprehend him. 8. By Christ bidding his disciples (Luke xxii. 36—38) buy swords. Nor is there any thing in Scripture contrary to this; for the passages of which the adversaries make use do either speak against opposing of lawful acts of just governors, as Eccl. viii. 2—4; Num. xvi.; Rom. xiii.; 1 Pet. ii. 13, 14, or against opposing of inferior magistrates as well as others; and so serve not their purpose, such as 1 Pet. ii. 1, 4, &c.; Rom. xiii.; Exod. xxii. 28; Job xxxiv. 18; or speaketh not of a pure defensive war, but of seeking the utter destruction and ruin of the supreme magistrate, as some of David's expressions which they make use of.

6. By right reason; for, 1. There is no stricter obligation betwixt a prince and his subjects than betwixt parents and children; yea, not so strict; and yet, if the father become distracted, and rise up in a fury to kill his children, the children may lawfully join together and resist him, and bind his hands; so may the wife resist the unjust violence of her unnatural husband: much more may subjects resist the unjust violence of their king. 2. Otherwise a king, who was an ordinance of God ordained for a rich blessing, should become the greatest curse imaginable; if, *actû primo*, he be invested of God with power to tyrannise, and the people be put out of all capacity to resist, he should become the greatest of curses to a people. 3. This should cross the end for which people did set up a king over themselves: it was to preserve them, and to keep them from wrongs, and not to put power in his hand to kill and murder them as he pleaseth. 4. This would put rational creatures into a worse condition than the beasts are into;

<sup>1</sup> Bodii in Epist. ad Ephesios.

for if their king will he may cut all their throats, destroy all their liberties, ravish all their wives and daughters, destroy all their lands and livings, and that without any control or the least resistance imaginable. But who can believe this? Yea, put the case there were but three or four kings in all the world, all the lives of the rest should be at their devotion; so that if they, in a fit of fury and madness, give out the word of command, they may cause kill all without any resistance. And would not this reflect upon the wisdom and goodness of God if he ordered matters so? But the absurdity of this is abundantly clear, so that more needeth not be said. He who desireth more satisfaction in this question may peruse Junius Brutus's *Vindiciæ contra Tyrannos*, quest. 3, a book as yet unanswered by any; and *Lex, Rex*, which got never another answer than a fagot, a quick way, forsooth, of dispatching an answer; and Mr Prynne's *Sovereign Power of Parliaments*, &c., where the matter is fully cleared, both in point of law and conscience, which was published by order of parliament; and a book entitled *de Jure Magistratus in Subditos*; and Trochrig's commentary on the Ephesians, where he will find this question prudently, judiciously and satisfactorily handled, from p. 911—925.

Thus, in some measure, is this ninth particular cleared, and the lawfulness of Scotland's defensive war clearly shown; and hereby the unlawfulness of swearing any oath which might have imported a condemning of that war is also demonstrated.

By what hath been said to this ninth particular, the tenth and last is likewise cleared, namely, "The lawfulness of Scotland's seizing upon the castles within themselves." For if it be lawful for a land to defend themselves, and to use resistance by arms in their own necessary defence, it is also lawful for them to seize upon such castles and strengths as may prove a fit and necessary mean of defence. It is lawful to possess these, and keep them out against the enemies of the country, who, if they had them, would make use of them for the destruction of the land and for the subversion of religion, lives, and liberties. Whatever law will allow of self-defence will also allow the use of all fit means for that end; for the end includeth the means leading to the end. Moreover, these castles

and fortifications were originally appointed for the safety and security of the kingdom, and of none else; and therefore, at the large treaty, it is concluded, in answer to the second demand, "That the castle of Edinburgh, and other strengths of the kingdom, should, with the advice of the estates of the parliament, according to their first foundation, be furnished and used for defence and security of the kingdom." So that hereby the king approved of all which was done in this business before; and acknowledged that, according to their first foundation, they were for the kingdom's advantage. It is true these castles were annexed to the crown, parl. 11, act 41, King James II.; but that was done "to guard against the poverty of the realm;" and for all that "the king might not give them away in fee or heritage, nor in frank tenement, without the advice, deliverance and decree of the whole parliament,—and for great, seen, and reasonable causes of the realm,—otherwise any alienation or disposition was to be of no avail." And it was enacted that the kings of Scotland should be sworn, at their coronation, to keep this statute in all points; and act 9, parl. 9, King James VI., saith, that "these castles are for the welfare of the realm, as well as for his Majesty's behoof." So act 125, parl. 7, King James VI., the castles are called "the keys of the realm." So, though the king hath the custody and command of them, yet it is always in order to the right end, that is, for the safety and good of the country; and if he should make use of them for the ruin and destruction of the country, they should be abused, and might lawfully be taken out of his hand, and converted to the right use: as when a father, turning mad, will kill his children with a sword, the children may lawfully take the sword from him, with which he was bound to defend them against the common enemy, and make use of it in their own defence. Castles and fortifications are not the king's patrimony, but belong to him as king and governor of the land; so that he is to make no use of them but for the country's good: he cannot dispoise and sell them as he may do other things that belong to his patrimony; therefore Scotland cannot be blamed for seizing on these for their own safety, seeing this is their native end, and the only thing they were ordained for. Nor can any be blamed for refusing that oath which



would have imported a condemning of this lawful and necessary deed.

Thus, reader, thou hast shortly laid before thee a hint of what clear grounds there were of stumbling at the taking of this oath as to the very civil part thereof, seeing this civil supremacy is and must be the same with his prerogative, and his prerogative is such as hath been shown. A difference betwixt the supremacy and the prerogative is not imaginable, unless it be this, that the supremacy is more comprehensive, and taketh in all the prerogative, and something more; yea, by some posterior acts, they are made of one and the same latitude, as in the act for "the national synod" the settling of the external government of the church is said to belong to his Majesty, as an inherent right of the crown; and how? "By virtue of his prerogative royal and supreme authority." So that his prerogative royal and supreme authority are made one. And if they be one as to ecclesiastical matters, much more must they be one and the same as to civil matters. And more clearly in the king's commission for the High Commission, where it is said, "His Majesty, by virtue of his royal prerogative in all causes, and over all persons," &c.; so that any may see that his *supremacy over all causes* is one and the same thing with his *prerogative*. Moreover this is certain, that whosoever do acknowledge and recognise the king's power and supremacy "in all causes, and over all persons," do acknowledge and recognise all that which they say agreeth to him as a king; and whosoever do acknowledge and recognise this, do acknowledge and recognise his royal prerogatives; for his royal prerogatives are such things as agree to him as a king, because they are annexed to the crown, as they say. It is true, in their 11th act of parliament, the acknowledgment of his Majesty's prerogative is mentioned beside the oath of allegiance; but that will not make them to differ so far; yea, the acknowledgment of his Majesty's prerogative is but explicatory of a part of that supremacy mentioned in the oath of allegiance. So that his prerogative over parliaments and over their actions, and over all other subjects, is but a part of that supremacy which they say he hath over all persons and in all causes. So in the oath for asserting his Majesty's prerogative, defensive arms, and the kingdom's entering in a league with England, and all

their proceedings in the work of reformation are condemned; and this cannot be denied, though there be an express oath afterward conceived of purpose for that end, namely, the "declaration," set forth Sept. 2, 1662.

## SECTION XII.

THE MEANING OF THE OATH OF ALLEGIANCE, AS TO ITS ECCLESIASTIC PART, OPENED; AND SOME REASONS WHY, UPON THAT ACCOUNT, IT COULD NOT BE TAKEN.

The civil part of this oath of allegiance being thus spoken to, in the next place the ecclesiastic part must be handled; and when this is but explained, reasons, without much difficulty, will appear, why, as to that part of it, it could not then (nor as yet can) in conscience be subscribed unto.

In this part, as in the other, the sense which the tenderers thereof do put upon it must be searched and sought for out of their acts; for though it could have been wished (and both reason and religion would have required it) that, after the example of Abraham, they had made the oath as plain and easy as might be, so that the sense and meaning of it had been obvious to all, or had annexed such a gloss and meaning as the words, in ordinary construction, would bear, and tender Christians might safely assent unto, yet there was no such thing done; yea, nor being desired to do it, would they do it; yea, nor would they suffer any one to inquire at them in what sense they would have the oath taken; yea, which is more, they made an act discharging all to offer any sense of the oath under the pain of treason. So that there is no way now left to find out the meaning of the oath, as to this part, but by their acts and actings, which, when considered, together with some other things useful in this business, will help to clear the true sense thereof. Three things then must be spoken to: 1. The rise and progress of this business, which is imported by this part of the oath, namely, the king's supremacy over persons ecclesiastic, and in ecclesiastic causes, in England. 2. The rise and progress of it in Scotland. 3. Some acts and deeds of the king and parliament who now tender it.

As to the first of these, it is notorious enough what King Henry VIII. did, when, upon some private discontents, he shook off the Pope's supremacy, *anno* 1530; for, having caught the clergy in a *premunire*, for countenancing some way or other the Pope's legate, he would not be satisfied with their payment of one hundred thousand pounds, unless also they would acknowledge him for the supreme head of the church on earth; which, after some debate in their synod, both in the upper and lower house of convocation, was condescended to, in form as followeth: *Cujas, &c.*, "Of which church (namely, the church of England) we recognise his Majesty to be the singular protector, the only and supreme lord, and (so far as Christ's laws will permit) the supreme head." This was subscribed unto by all, and put into their public acts or instruments, and presented to the king. Afterward, parl. 24, cap. 12, upon this ground it was statuted and ordained, that all ecclesiastical suits and controversies should be determined within the kingdom, and all appeals to Rome were prohibited. And, parl. 25, cap. 20, the manner of electing of archbishops and bishops was altered, and that power given and granted to the king; and upon this same foundation, parl. 26, cap. 1, it was declared that the king is supreme head of the church of England, and that he should have all honours and pre-eminences which were annexed unto that title; and, after this, there followed another act, cap. 3, for tenths and first fruits, as appertaining to that headship and supreme authority. Hence also, 1532, the convocation submitting unto the king's Majesty promiseth, in *verbo sacerdotis*, "That they would never, from thenceforth, presume to attempt, allege, claim or put in use, enact, promulge or execute, any new canons, constitutions, ordinances, provincial or others, or by whatsoever name they shall be called, in the convocation, unless the king's most royal assent may to them be had, to make, promulge and execute the same, and that his Majesty do give his most royal assent and authority in that behalf." Which deed of theirs the parliament did, shortly thereafter, ratify in these terms: "That none of the said clergy, from thenceforth, should presume to allege, claim or put in use, any constitutions or ordinances, provincial or synodal, or any other canons; nor should enact, promulge or execute any such canons, constitutions or ordinances (by what-

soever name or names they may be called) in their convocations, in time coming (which always shall be assembled by the king's writ), unless the same clergy may have the king's most royal assent and license, to make, promulge and execute such canons, constitutions and ordinances, provincial and synodal, upon pain of every one of the said clergy doing the contrary to this act, and thereof convicted to suffer imprisonment, and make fine at the king's will," parl. 25, cap. 19. So parl. 35, cap. 1, there was another oath devised and ratified, which was to be imposed upon the subject, for the more clear asserting of the king's supremacy.

By these particulars any may see that Peter Martyr had good ground to say, as he doth on 1 Sam. viii., that King Henry took all that power to himself which the Pope challenged: *Atque hoc fortasse est quod Rex Angliæ, voluit se secundum Christum appellari caput ecclesiæ, putavit enim eam potestatem quam sibi Papa usurpaverat, suam esse, et in regno suo ad se pertinere*.—"He would therefore be called head of the church next under Christ, because he thought that all that power which the Pope did usurp did belong to him within his own dominions;" and he had good ground to say, that "it was a proud title which gave much offence unto the godly." Nor was it without reason that judicious Calvin did inveigh so much against that title, in his *Commentary on Amos vii.*, saying, *Qui initio tantopere, &c.*,—"They who, at the first, did so much extol Henry, king of England, were no doubt inconsiderate men: they gave unto him the supreme power over all, and this did always wound me. They were blasphemous when they called him supreme head of the church under Christ." So that Peter Heylin must not be believed, when he telleth the world, in his *Discourse of the Reformation of the Church of England*, p. 13, "That those statutes which concern the king's supremacy are not introductory of any new right that was not in the crown before, but only declaratory of an old." And again, p. 48, 49, "That when the supremacy was recognised by the clergy, in their convocation to King Henry VIII., it was only the restoring of him to his proper and original power, invaded by the popes of these latter ages;" for that title of "supreme head" not only seemed to have somewhat in it of an innovation (as himself is forced to acknowledge in the following

words), but really had an innovation in it of no small consequence, as shall appear.

But this title of "supreme head" gave offence both at home and abroad; and therefore Queen Elizabeth did change it into this, "of supreme governor over all persons, as well in all causes ecclesiastic as civil;" and in these terms it was kept, and is to this day. But all this change did not much help the matter, for many were offended even thereat; and what wonder, seeing it seemed to attribute to her Majesty no less spiritual jurisdiction and power than what the former oath did import. Whereupon the queen, in the first year of her reign, after the parliament had condescended on the forementioned oath, published an admonition in her injunctions, of purpose to explain and interpret the sense and meaning thereof; and gave it this sense: "That nothing was, is, or shall be, meant or intended by the same oath, to have any other duty, allegiance or bond required by the same than was acknowledged to be due to the most noble kings of famous memory, King Henry VIII., her Majesty's father, and King Edward VI., her Majesty's brother. That her Majesty neither doth, nor ever will, challenge any other authority than that which was challenged and lately used by the said noble kings, which is, and was of ancient time, due to the imperial crown of this realm, that is, under God to have the sovereignty and rule over all manner of persons born within these realms, dominions and countries, of what estate, either ecclesiastical or temporal, soever they be; so as no other foreign power shall, or ought to have, any superiority over them." And this was confirmed by parl. 5, Eliz., cap. 1. But neither did this remove the offence; for still the oath did import more than sovereignty over all *persons*, even over all *causes* also. And it was certain that King Henry VIII. did both challenge and use more power than that; and, therefore, the convocation of the clergy, meeting 1562, took notice of the offence, and saw a necessity of declaring another sense for the satisfaction of all; and this they did, art. 37, declaring and signifying, "That there was no authority in sacred matters contained under that title, but that only prerogative, which had been given always to all godly princes in holy Scriptures by God himself, namely, that they should rule all estates and degrees committed to

their charge by God, whether they be ecclesiastical or temporal, and to restrain with the civil sword the stubborn and evil-doers, as also to exclude thereby the bishop of Rome from having any jurisdiction in the realm of England." And this article was assented unto by parl. 13, Eliz., cap. 12, and is insert in the statute-book. But, under favour, any may see that this covering was not sufficient to hide the deformities of that oath, as worded, for all the jurisdiction of the bishop of Rome was hereby excluded. Now the bishop of Rome's power was more than civil, for it was ecclesiastic also; and the oath gave unto the queen that which was taken away from the Pope. And, moreover, "supreme governor in causes ecclesiastic" importeth more than this explication doth; and, therefore, it had been much better if no more had been intended than this explication, safely taken, doth hold forth to have changed the words of the oath, and made them more conformable to the gloss. For every one who readeth and seeth this sense will not be able to discern an harmony betwixt them: the oath, as worded, holding forth more than the gloss; and hence it was, that for all this gloss the English divines were put to much trouble to defend themselves; and, when sorely pressed with the words of the oath, they seemed to be at some loss and disadvantage, and were constrained to run from the words of the oath unto the gloss, which is a sufficient proof, that if no more be intended by the oath than what is held forth in the gloss given, the oath ought to be otherwise worded. And hence also it is that all the followers of Erastus, to this day, do look upon the church of England as wholly of their judgment. And this putteth such divines as write against Erastianism to great pains to search out the meaning of the English divines to answer that objection; and certainly these divines would have wished that the oath had been otherwise worded, so that adversaries might have had less ground to boast of the church of England's being of their judgment. Yea, Triglandius, in *Dissert. de Civil. et Eccles. Pol.*, waveth the English divines in this point, fearing, possibly, that he should not be able to extricate himself out of the thicket of difficulties which he might see before him; and therefore saith, cap. 8, p. 154, 155, *Controversiam Anglorum*, "We own not the controversy of the English with Papists upon this

subject as ours; for we are not of the judgment of Papists; nor are we necessitated to defend our judgment by the judgment of the English divines." And again, in his *Antapologia*, p. 726, col. 2, *Quamvis non Diffiteamur*, &c.,—"Though we cannot deny, but they (that is, the English), in respect of the usurped hierarchy there, and the king's power over it, have extended the king's supremacy farther than it ought to have been." And Apollonius, in his *Jus Majestatis*, part 1, p. 11, telleth us, that "some reformed divines, in the heat of dispute against the Papists, out of hatred to the Roman hierarchy, did turn a little out of the right way; and that they spoke according to the laws of that kingdom and commonwealth in which they lived. This especially is to be noted in those divines who wrote of the king's supremacy in the kingdom of England. The learned have seen the writings of Lancelot, Tooker, Burchill, Thomson, and Salcobrig, &c., and the writings of their adversaries, who debated with them concerning the king's supremacy; and all, who are not slaves in their judgments unto the great ones of the world, may see clearly that there are failings on both hands." And again, out of Didoclave, p. 43, he telleth us, "That albeit they did blot out the metaphorical title of the head of the church, lest it should give offence, and put in its place 'the supreme governor,' yet the sense was the same; for Henry of Salisbury saith, that the king of England is the primate of the church of England, and that he is a mixed person, having both ecclesiastic and temporal jurisdiction, and that in a supreme way; and proveth from the statute 1, Eliz., that the jurisdiction ecclesiastical which was, or might have been, exercised by any spiritual or church power, for visiting the ecclesiastic state and order, for reforming, bringing into order, and punishing churchmen, all sort of errors, schisms, abuses, offences, and enormities, within the kingdom, is forever annexed unto the crown." So that it is too, too apparent, that several of the English divines run a farther length, and give a larger exposition of the supremacy. So dangerous a thing is it to admit of oaths which must have strained glosses and commentaries for clearing of them, and which the words will not, in a fair construction, bear. Moreover, if any consult the later actings of king and parliament there in England, they shall see a far

other sense put upon it. And such as plead for the present change of church government there walk much upon this supremacy; and, particularly, the author of *The Grand Case*, asketh how any man who hath taken, or is willing to take, that oath, can speak against the king's power of setting up what form of church government he pleaseth in the church; which, whether it may not make Englishmen of a truly tender conscience scruple now at the taking of that oath, let wise men judge.

Next, as to the rise of this power over the church, and the occasion of this oath in Scotland, seeing it may sufficiently be gathered from the short historical narration of the government of the church set down, sect. 1, a short recapitulation will be sufficient here.

In the confession of faith (which was ratified and approved by the parliament, 1560, and again ratified and inserted in the records, 1567), cap. 25, the power in church matters, which is there given unto the civil magistrate, is in these words: "That to them chiefly, and most principally, appertaineth the conservation and purgation of religion, and they are appointed for the maintenance of the true religion, and for suppressing of idolatry and superstition;" and in that same parliament, 1567, act 2, there is an act, which was made 1560, ratified, "ordaining that the bishop of Rome, called the Pope, have no jurisdiction or authority within this realm, and that none of his Majesty's subjects suit or desire title or right of the said bishop of Rome or his sectaries to anything within his realm, under the pain of banishment, &c.; and that no bishop use any jurisdiction, in time coming, by the said bishop of Rome's authority, under the pain foresaid," whereby the Pope's authority was quite rejected not only in civil matters but in church matters; and yet there is no express word of the king's being invested with any such power.

Anno 1568, there was one Thomas Bassenden, printer in Edinburgh, who did print a book, entitled, *The Fall of the Roman Church*; and in that book the king was called "the supreme head of the church." This gave great offence, and moved the General Assembly to cause call in these books, and to delete that title of the king's. But all this did not preserve the church from encroachments; for when Montgomery, pretended archbishop of Glasgow, was pro-

ceeded against, the king summoned the whole synod of Lothian before him; and afterward, when this same Mr Montgomery was summoned before the National Assembly, there came a messenger of arms from his Majesty to discharge the Assembly, under the pain of rebellion, and of putting of them to the horn, to proceed any further. Whereupon the Assembly did complain of this encroachment, April 27, 1580, as such the like whereof had never been made before. But this availed not, for Mr Balcanquhal and Mr Dury were summoned before the council, for some freedom which they had used in preaching. Of this the Assembly did complain again, which occasioned a conference betwixt the king and some ministers, the result whereof was, "That in all time coming the trial of ministers' doctrine should be referred to church judicatories, as the only competent judges." But this was soon forgotten; for, 1581, Mr Balcanquhal was again accused, and the privileges of the church were encroached upon, which did put the church to supplicate, 1582, and complain that "his Majesty, by advice of some counsellors, was about to take the spiritual power and authority upon himself, properly belonging unto Christ, as the king and head of his church and of the ministry, and the execution thereof unto such as bear office in ecclesiastical government; so that, in his person, some men press to erect a new popedom, as if his Majesty could not be full king and head of the commonwealth unless the spiritual as well as the temporal power should be put into his hand, unless Christ be bereft of his authority, and the two jurisdictions confounded which God hath divided, which tendeth directly to the wreck of all true religion." And, at their next Assembly, there was an article drawn up, to be presented unto his Majesty, to this effect, "That, seeing the jurisdiction of the church was granted by God the Father, through our Mediator Jesus Christ, and given to those only who, by preaching and overseeing, bear office within the same, to be exercised, not by the injunctions of men, but by the only rule of God's word, that an act of parliament, concerning the liberty and jurisdiction of the church, be so plainly declared, that hereafter none other, under whatsoever pretence, have any colour to ascribe or take upon them any part thereof, in placing or displacing ministers of God's word, in spiritual livings or offices, without

the church's admission; or in stopping the mouths of preachers, or taking upon them the judgment or trial of doctrine, or of hindering or disannulling the censures of the church, or exempting any offender therefrom."

By the endeavours of these faithful worthies any may see what a spirit was stirring them, when the king would assume to himself spiritual power and authority, and so rob Christ of that which belongeth to him as king and head of the church, and make himself a pope, and the fountain of all power and jurisdiction, both civil and ecclesiastic; and challenge power to give commission for deposing and ordaining of ministers, and hinder free preaching, to try and censure doctrine, and to annul all church censures as he pleased. This was the spirit that was then stirring at court, and this is the supremacy to the life, and this was it which court parasites said did belong unto the crown, let the church say and do to the contrary what she could. Hence a little after this Mr Melville was accused for his sermon, and, after he had declined the king and his council as incompetent judges in that cause, was forced to withdraw to Berwick for fear of his life.

Anno 1584, the parliament, which was suddenly convoked, did put the copestone upon this business, and gave the king, in form, what he had assumed to himself formerly upon the matter; and in their very first act give him "royal power and authority over all estates, as well spiritual as temporal, within the realm;" and "statute and ordain that he and his heirs or successors be themselves, and their councils, in all time coming, judges competent to all persons, of whatsoever estate, degree, function or condition they be of, spiritual or temporal, in all matters, and that none decline their judgment in the premises, under the pain of treason." From this supremacy flowed the empowering of bishops with church jurisdiction, as commissioners from the king; so that, when the king wrote unto a prelate, he styled him "our beloved clerk and commissioner in ecclesiastical causes;" so that, by this supremacy, the power of church jurisdiction was made proper to the king, and the exercise thereof was committed by him to whom he would.

After this blast was something blown over, 1592, Papists and others at court stir up his Majesty against the government of

the church ; so that, when the commissioners of the General Assembly had met, and had sent some of their number to show the king what offence was taken at his calling home the popish lords, he was offended, and asked how they durst meet without his warrant. But Mr Andrew Melville answered, " That there were two kings and two kingdoms in Scotland ; and that Christ was a king, and the church his kingdom, and that he himself was a subject unto Christ, and a member of his church, and neither head nor king thereof, and that the spiritual office-bearers, to whom he had committed the government of his church, had power and warrant to convene."

But the king went on ; and told the ministers thereafter, " That there should be no agreement betwixt him and them until the marches of their jurisdiction were rid ; and that they might not speak in pulpit of the affairs of the estate or council, and that no General Assembly should meet without his special command, and that church judicatures should meddle with fornication and such like scandals, but not with causes whereupon his laws do strike." And shortly thereafter Mr Black was summoned and did decline, and his declinature was owned by several hundreds of ministers. When King James saw this he laboured to ensnare the ministry, and therefore invented the bond, which was mentioned sect. 1, p. 27, whereby any may see what was intended and designed. But when he is in possession of the crown of England, then the poor church findeth his hand heavier than formerly ; for, 1606, six ministers were convicted of treason, and condemned for declining the council as an incompetent judge in matters ecclesiastic, and all by virtue of the act of parliament 1584. And the parliament which did meet that year, 1606, to make all sure, " did acknowledge his Majesty's sovereign authority, princely power, royal prerogative, and privilege of his crown over all estates, persons and causes whatsoever, and ratifieth, approveth, and perpetually confirmeth the same, as absolutely, amply and freely, in all respects and considerations, as ever his Majesty or any of his royal progenitors, kings of Scotland, in any time bygone, possessed, used and exercised." Thus was the copestone of this supremacy put on again. And, at that pretended Assembly at Glasgow, 1610, it was acknowledged that " the indiction of the General Assembly did

appertain unto his Majesty by the prerogative of his royal crown." And it was ordained that the oath (which is set down before, p. 32) be sworn by all ministers at their ordination. And the parliament which convened, 1612, ratified all this. And, finally, 1633, in the first parliament of King Charles, act 3, that act which was made 1606, was again ratified, and this conclusion was drawn from it, That he hath " power to prescribe what apparel he thinketh fit for kirkmen ;" which was done of purpose, for this end, that his Majesty might, with greater facility, get the use of the surplice by ministers established by law and practised.

And now, by all this, any may see what is the nature of that supremacy which the higher powers have been all along grasping after, and which the faithful servants of Christ have been withstanding, according to their power.

But, in the last place, the sense and meaning of this late parliament, which did tender the oath, must be sought out of their acts and actings, and out of some commissions granted by his Majesty ; and thereby it shall be seen what ground there was of scrupling at the oath, and how the fears of such as did then scruple at the oath were not groundless, seeing the after actings of king and parliament have abundantly confirmed the apprehensions which such had of their giving to the king, and of his taking more power in church matters than themselves would then acknowledge or confess did belong to him. Now, for clearing what power was then, and is now, assumed by and given to the king in church matters, these particulars may be noticed :—

1. When these six or seven ministers who were cited before the parliament had offered a sense in which they would willingly have taken the oath, they could not be heard, though they granted unto him, in their sense offered, as much power in church matters as the word of God, the confessions of faith, both of the church of Scotland and of other reformed churches, did allow ; for they did grant that his sovereignty did reach ecclesiastic causes objectively, though, in its own nature, it was always civil and extrinsic. But this did not satisfy, and, therefore, it was evident enough that they did intend some other thing by that oath than every one could well see.

2. In the 4th act of their first session it is

made a part of the king's prerogative, "That none of his Highness's subjects, of whatsoever quality, state or function, presume to convocate, convene, or assemble themselves for holding of councils, to treat, consult and determinate in any matter of state, civil or ecclesiastic (except in ordinary judgments), without his Majesty's special command, or express license, had and obtained thereto, under the pains," &c. By which it is apparent that they will have no church judicatories without his command or license, otherwise his prerogative is violated; and so it is a piece of his prerogative and supremacy to have all these assemblies depending so upon him as civil meetings do; that is, that they shall be null without his express consent and command: for this part of the act is, in every word, conform and relative to that black act, 1584, namely, act 3, parl. 8, King James VI., by which all church judicatories which had been set up conform to the second book of discipline, namely, sessions, presbyteries and synods, were discharged.

3. In the 16th act of the first session, concerning religion and church government, they say, "That, as to the government of the church, his Majesty will make it his care to settle and secure the same in such a frame as shall be most agreeable to the word of God, most suitable to monarchical government, and most complying with the public peace and quiet of the kingdom; and, in the meantime, his Majesty, with advice and consent foresaid, doth allow the present administration by sessions, presbyteries and synods." So that, by this act, it is clear that they think, 1. There is no particular form of church government set down in the word. 2. That every nation is left at liberty in this to choose what form they will, as most suiting to civil government and complying with the people's temper. 3. That he is judge of what form of government is most agreeable to the word of God. 4. That this government must be some other government than that which is by sessions, presbyteries and synods, which is but allowed in the interim.

4. There is a commission, or act, from his Majesty for a national synod, ratified by parliament in their second session, which is worth the noticing. The act is thus worded: "Forasmuch as the ordering and disposal of the external government of the church, and the nomination of the persons by whose advice matters relating to the same are to be

settled, doth belong to his Majesty, as an inherent right of the crown, by virtue of his prerogative royal and supreme authority in causes ecclesiastic; and, in prosecution of this trust, his Majesty, considering how fit and necessary it is for the honour and service of Almighty God, the good and quiet of the church, and the better government thereof in unity and order, that there be a national synod and assembly duly constitute within this kingdom, hath therefore appointed and declared, and by these presents appoints and declares, That there shall be a national synod of the church of Scotland; and that this synod, for the lawful members thereof, shall consist and be constituted of the archbishops of St Andrews and Glasgow, and the remanent bishops of these two provinces, of all deans of cathedral churches, archdeacons, of all the moderators of meetings for exercise allowed by the bishops of the respective dioceses, and of one presbyter or minister of each meeting, to be chosen and elected by the moderator and plurality of the presbyters of the same; and of one or two from the university of St Andrews, one from Glasgow, one from the King's College, one from Marischal's College of Aberdeen, and one from Edinburgh; and this synod, thus constituted, is to meet at such times and in such places as his Majesty, by his proclamation, shall appoint; and is to debate, treat, consider, consult, conclude and determine upon such pious matters, causes and things, concerning the doctrine, worship, discipline and government of this church, as his Majesty, under his royal hand, shall deliver, or cause be delivered to the archbishop of St Andrews and president of the said National Assembly, to be by him offered to their consideration.

"The estates of parliament do humbly recognise and acknowledge his Majesty's royal power and prerogative aforesaid, with the piety, justice and prudence of his Majesty's resolution therein; like as his Majesty, with their advice and consent, doth hereby establish, ratify and confirm this constitution of a national assembly, as the lawful constitution of the national synods and assemblies of this church,—his Majesty, or his commissioner (without whose presence no national synod can be kept), being always present,—and declareth that no act, canon, order or ordinance, shall be owned as an ordinance of the national synod of the church of Scotland, so as to be of any effect,

force or validity in law, to be observed and kept by the archbishops, bishops, the inferior clergy, and all other persons within the realm, as far as lawfully, being members of this national church, it doth concern them, but that which shall be considered, consulted and agreed upon, by the president and major part of the members above specified. It is always hereby provided that nothing be enacted or put in execution, by authority of a national synod, within this kingdom, which shall be contrary to his Majesty's royal prerogative, or to the laws of the kingdom; and that no act, matter or cause be debated, consulted and concluded upon, but what shall be allowed, approved and confirmed by his Majesty, or his commissioner present at the said national synod."

In which act these things are remarkable: 1. That church assemblies may not meet without his warrant; 2. The king, or his commissioner, are essential constituent members thereof; 3. That the king hath power to appoint the very constituent members of the synod; 4. Ruling elders are excluded out of church judicatories; 5. That the constant moderator hath a more than ordinary voice in the exercise; for the member to be chosen there must be elected by him, and the major part of the rest; 6. Nothing can be agreed upon without the consent of the archbishop of St Andrews, and thus he hath a negative voice; 7. Nothing must be debated either concerning doctrine, worship, discipline or government, but what his Majesty pleaseth; 8. Nothing must be concluded but what his Majesty, or his commissioner, doth approve and confirm; 9. All this is founded on his supremacy; 10. And his "supreme authority over all persons, and in all causes," and his "prerogative royal," are declared to be all one.

5. There is another commission granted for the High Commission, a part whereof followeth:—

"Our sovereign lord ordains a commission to be passed and expedite under his Majesty's great seal of the kingdom of Scotland, making mention, That in consideration of the multiplicity and weight of church affairs, and of the estate incumbent upon the lords of privy council, so as they cannot attain the due execution of the laws, and to the effect that the disorders and contempt of authority may be timeously suppressed, his Majesty, by virtue of his prerogative in

all causes, and over all persons, as well ecclesiastic as civil, has given and granted, like as his Majesty, by the tenor hereof, giveth and granteth, full power and commission to the archbishop of St Andrews, the lord chancellor, lord treasurer, archbishop of Glasgow, duke of Hamilton, marquis of Montrose, &c., or any five of them, an archbishop or bishop being one of the number, to summon and call before them all contemners of the discipline of the church; and, for that cause, suspend, deprive and excommunicate all keepers of conventicles, &c., to appoint ministers to be censured, by suspension and deposition, and punished by fining, confining, and incarcerating them, and all other persons who shall be found transgressors as aforesaid," &c.

Out of this act these things are remarkable: 1. Here is a mixed court, made up of churchmen and civilians; 2. A court meddling both with civil and ecclesiastic punishments; for they have power of deposing, excommunicating, fining and imprisoning; 3. A court founded upon his Majesty's prerogative in all causes, and over all persons, as well ecclesiastic as civil; 4. An archbishop or bishop is *sine quo non*, and one of those, with four others, may do all themselves.

By what is said something of the meaning of this oath, according to their sense who tender it, may be discovered; and the business being so clear, much time needeth not be spent in handling that long and tedious controversy concerning the magistrate's power in church matters, only a hint at some few things, as reasons why this oath, thus tendered and explained, could not be taken, will be sufficient:—

1. By this means they should, upon the matter, have affirmed that the king was "head of the church;" for it is clear that he assumeth to himself power of appointing new officers in Christ's house, and new courts and judicatures, which Christ did never appoint, and of committing church power to whom he will,—of appointing what form of government in the church he thinketh fit; modelling the constitution of church judicatories; appointing who shall be members and who not, and who members *sine quibus non*; of limiting the bounds of their procedure, by appointing what they shall treat of and what not; of putting life in their canons and constitutions, &c. Thus all church power shall flow from him, and he shall be-



come the head of the church under Christ, the same way that he is head of the commonwealth under God. And, indeed, the prelates and their creatures are not ashamed in their public prayers to style the king "head of the church." Now, could any faithful and zealous Christian or servant of Christ consent unto this dreadful encroachment and usurpation by subscribing any oath which might import the same? Who can but hear of it and his heart not tremble? Let all the arguments which the reformed divines make use of against the usurped headship of the Pope be considered, and they will, with equal strength, militate against this usurpation, and justify the refusing of this oath upon that account; yea, Arminius himself, *Disp. de Pontif. Rom.*, thea. 3, saith, that "the church hath but one head, otherwise she would be a monster."

2. By this means they should, upon the matter, lick up Popery, which they have abjured again and again; for none will say that they have abjured such a piece of Popery only as it was seated in the head of the man with the triple crown that sitteth at Rome, and not simply in itself as a blasphemous tenet. No reformed divine writeth against the Pope's supremacy and headship, as a power usurped by him, to the prejudice of some one prince or other, but as a high and insolent usurpation of that which belongeth unto him who is King of kings and Lord of lords; for this were not to speak against an encroachment made upon the privileges and prerogatives of the king of his church, but against some civil wrongs done to a neighbour prince or state. And, indeed, the adversaries are not ashamed to say that the Pope, in his usurpation of this church jurisdiction, wronged not Christ, but more immediately the king and princes unto whom that power did belong of right before; and, therefore, they say that King Henry VIII. assumed but his own back again, and that he neither took nor did the parliament give him any new power which did not belong to him before. So said Heylin, as was shown; but if any should assent unto this they should consent only unto the change of the Pope, but not unto the change of the popedom, and should shake off an ecclesiastical pope and submit unto a civil pope; for Zeperus speaketh with reason, when he saith, *Polit. Eccles.*, lib. 3, cap. 13, *Quando tota doctrina et cultus*, &c.,—"When all the matters of doctrine and worship, as also of

the constitution of the church, is ordered according to the pleasure of the prince alone,—the counsel and advice of the ministers of the word, and of their synods, being despised,—and when such are declared rebels who will not assent unto all that which these politicians do, and when the whole government of the church is made over to them almost by an apostolic authority, who only exercise an external and political power on the outward man,—then doth the magistrate go beyond his bounds, and the popedom is not taken away but changed, yea, and made twofold worse." Yea, and the Arminians, in their *Apology*, do call this "the very heart and marrow of Popery, which, being granted, all his other usurpations do necessarily follow."

3. By this means they should grant that ministers, in the very discharge of their ministerial function, are subordinate unto the supreme magistrate and his power, acting under him as his servants and commissioners. This is clear in the exercise of jurisdiction and discipline: The prelates are his Majesty's commissioners in matters of discipline, they receive their commission from him, to depose, to silence, and to excommunicate; and so also they must act as his commissioners in lesser censures, as in public rebuking for sin, and the like. And seeing both the keys of doctrine and discipline were given at once, if the key of jurisdiction or discipline come from Christ mediately, and from the king immediately, so must the key of doctrine; for the Scripture sheweth no distinction, and none may separate the keys which Christ hath tied together. And thus every minister must come forth, and preach, exhort, rebuke, censure and excommunicate, not in the name of Christ immediately, but in the name of the king. But to this they could not assent, and therefore they could not take the oath.

4. By this means they should grant that the supreme magistrate himself might immediately, in his own person, rebuke publicly the scandalous, debar from the sacraments, depose, suspend and excommunicate; for what his commissioners do by virtue of a commission from him, that he may do himself immediately. But this could not be yielded to, there being not the least warrant for it imaginable out of the word, but much against it; and therefore none, except an Erastian or Arminian, will condemn such as refuse an oath which would import this.

See Voetius, *de Polit. Eccles.*, p. 146, arg. 12.

5. By this means they should have, upon the matter, opened a door unto the king's bringing into the church what popish rites and external superstitious ceremonies he pleaseth. By the act for the national synod he hath, as an inherent in the crown, the ordering and disposal of the external government of the church, and power to settle all things concerning doctrine, worship, discipline and government, by the advice of the national synod, which is but as his council; so that the whole power of ordering and settling the matter of the worship is in his own hand. And it was upon this ground that the former prelates did warrant their use of the ceremonies: his supremacy was a basis unto this. So said Camero in his *Prael.*, tom. 1, p. 370, 371; tom. 2. p. 41, that "in all things pertaining to external order in religion kings may command what they will *pro autoritate*." And thus they should consent unto opening of a door unto all the trash of Rome, and the significant ceremonies that are there; for if the king have such power, what ceremony may he not bring in? And who is there to control him in anything of that kind? Who may ask whether lawful or unlawful? seeing, no question, he himself will call all that which he doth most lawful; and he is not without the compass of his power, or authority, or calling, when he appointeth the use of those ceremonies, if he be thus *rector ecclesiae*. Now, who can acknowledge that any such power doth belong unto the supreme magistrate to institute any significant ceremony, or part of God's worship? this being the very sin of Jeroboam 1 Kings xii. 28, 33. It was his fault to devise, of his own heart, those ceremonies of sacred signs, places or persons, and times; and therefore they could not take such an oath and be guiltless.

6. By this means they should have granted that he had power to change the whole frame of religion, and so give way unto his bringing in the whole body of Popery, or what he would; for by this oath he should have granted unto him the supreme power in matters concerning doctrine, worship, discipline and government. It was charged upon the church of England, by some adversaries, that the great alteration of their religion that was made from Popery to the truth, and back again to Popery, and so

forth, in the days of Henry VIII., Edward VI., Mary and Elizabeth, in the space of thirty years, was grounded upon, and occasioned by, that which is contained in this oath; for, by virtue of this oath, these several kings and queens took upon them to alter and change, as they thought good. And this is ordinarily seen in supreme powers when they begin to usurp. So that it is a sad truth which Calvin hath in his comment on Amos, cap. 7, ver. 13, *Et hoc sacrilegium, &c.*—"And this sacrilege rageth and prevaleth with us, because they cannot keep within lawful bounds; but they think they cannot reign unless they take away all the authority of the church, and become the highest judges, as well in doctrine as in all the spiritual government. Therefore the devil gave to Amaziah this counsel,—A mediocrity should therefore be kept, because this disease hath always been in princes, that they would make religion bow according to their own lust and pleasure." And this is a part of the *Cesario-papatus*, the state papacy of which Wigandus, in his 13th evil, complaineth, namely, "That they set up a new form of religion." And now, seeing doleful experience proveth how ready princes and magistrates are to go beyond bounds, and to arrogate to themselves more than is allowed, is it fit for ministers or Christians to blow at that coal of ambition, by asserting, in words, as much as they desire? They do not much value the glosses which any may devise afterward to cover the shame of their nakedness. Were it not better to hold back such as run too willingly of their own accord, to the ruin of religion and the interests of Christ? It cannot, then, be safe for any to have a hand in setting up a state antichrist, to the ruin and destruction of the church of Christ. And, though the gracious disposition of the prince should be otherwise set, and he should not abuse his power to the hurt of religion, yet, no thanks to his sycophants who ascribe such power to him, as, if put into act, would ruin religion and the church of Christ, and which, of its own nature, tendeth thereunto, if it meet not with accidental stops. Whatever may be said of the power of the supreme magistrate concerning determining and appointing what religion shall be publicly professed within his dominions, yet this power agreeth not to him by virtue of his supremacy in church matters, but by virtue of his supreme ma-

gistratical power by which he is to have a care of all public things: but this supremacy in church matters is a far other thing, for it giveth intrinsic and architectonic power in church matters, and this agreeth only to the Lord Jesus, who is the alone head of the church, and therefore it cannot be said to belong unto the supreme magistrate.

7. By this oath they should grant that the civil magistrate, as such, should be a church member, because he who hath a chief hand in church affairs cannot but be a church member,—he who is chief member in church judicatories cannot but be a church member,—he who hath a church power cannot but be a church member,—and he whose commissioners, ministers, are in church administrations, must certainly be a church member. Now all these they give unto the king, not as a Christian, but as a king; for they annex them unto the crown, and make them part of the royal prerogative. But this cannot be assented unto, for then every heathen magistrate should be a church member, because a heathen magistrate is a magistrate as essentially as a Christian magistrate. Christianity addeth no magistratical power; it maketh not one more a king or a magistrate than he was; it only qualificeth and enableth him for the right administration or execution of the power, but addeth no new power. Moreover, magistracy hath nothing to do either with the matter or with the form of church membership: real grace and union with Christ maketh one a member of Christ's mystical body, and serious profession of the true religion maketh one a member of the visible church, but magistratical power, honour and dignity, hath no interest here; no such thing commendeth a man to Christ.

8. By taking of this oath they should have said that the civil magistrate, as such, is a church officer, because, as he is in possession of the crown and of the royal prerogatives thereto annexed, he hath the disposal of the external government of the church. No national synod can hold without him—none of their acts hath the power of canons without him; he hath power, by his commissioners, civil and ecclesiastic persons, to excommunicate, depose and suspend ministers, &c. But this cannot be granted, for, then, 1. Heathen magistrates should be church officers; 2. Such as are not church members should be church officers; 3. Wo-

men should be church officers, for such may be magistrates; 4. Then no magistrates should be chosen but such as have the qualifications requisite in a church officer; 5. There is no ground or reason which can be given for this; 6. There should be no church officer but such as are mentioned in the gospel; and among all the church officers mentioned in the gospel there is not one word of him.

9. By taking of this oath they should say, not only that the supreme magistrate, as such, is a church officer, but that he is a church officer of the highest degree; the supreme church officer next under Christ; for he is put above all the ordinary church officers, who act only in subordination unto him;—pastors and doctors are but his commissioners, and have their power from him, and must be accountable to him in their administration. But certainly this cannot be true, for, then, 1. This must be also affirmed of a heathen, for a *qua tali ad de omni valet consequentia*; 2. It is not credible that Christ should have appointed such an eminent church officer, who was to continue unto the end of the world, and never show us how he should be called, nor what his qualifications should be, nor the way of his ordination, nor his work; 3. Then women and children might be such eminent church officers; 4. Or none should be supreme magistrates but such as are fit for such an eminent charge in the church: but both these are false.

10. By taking of this oath they should lay the foundation of a lasting confusion betwixt church and state. God hath been pleased, in all ages, to set clear and distinct limits and bounds to each of these, that they might not be confounded or mixed together: in the Old Testament there was a clear difference betwixt the two, and so in the New Testament. Divines writing against Erastus have made it clear that they are distinct *toto genere*, both in the fountain of their power, in the subject-matter, in the manner of working, and in the nearest end designed, and many such like, so that it is needless to say anything of it here. Now, in asserting this supremacy, they should lay the ground of this confusion, and yield that a church, as a church, should be a commonwealth, and a commonwealth, *eo ipso*, that it is a commonwealth, should be a church; because a supreme governor in church matters hath reference unto a

church, and a supreme governor in civil matters hath reference unto a commonwealth; and so make the supreme governor of the commonwealth, upon that account, that he is such a supreme governor, the supreme governor of the church, and then, *eo ipso*, that he is the supreme governor of the commonwealth he should have reference unto the church, and so a church should be a commonwealth, and a commonwealth a church; which is most false. Moreover, this new commission court is another speaking evidence of this mixture flowing from this supremacy; for in that court church officers meddle with civil matters, and state officers meddle with church matters, and both do so, as they are such and such officers, and as his Majesty's commissioners, and, therefore, they could not assent unto this. That which Luther saith, in *Responso ad Melanth. de Ceremoniis*, cited by Voetius, *ubi supra*, p. 174, is worth the marking, "Seeing it is certain that these administrations are distinct, namely, the ecclesiastic and politic, which Satan did confound by Popery, we must watch and see that they be not again confounded;—and if we suffer this we should be guilty of sacrilege, and we must rather choose to die than sin so." See further what he citeth out of Olevianus, p. 179, 180.

11. By taking of this oath they should grant that the magistrate, as such, is a proper and competent judge in such matters, a proper and competent judge of ministers, of their doctrine, and of other church matters; because it was upon this ground, of faithful ministers' declining of the king and his council's judgment in church matters, that the parliament, 1584, did grant unto the king this supremacy. It was intended for this end, that he might have power to call, convene, judge and sentence ministers for the faithful discharge of their duty, and exoneration of their consciences, as their lawful, formal and competent judge in church matters, though under the notion of treason and sedition. Moreover, he is made proper judge of what is the best form of church government, of what is the best constitution of a church judicature, and what are the most fit and lawful acts and conclusions, or canons, of synods; and he is made proper judge in matters deserving excommunication, suspension and deposition; and all these are church matters. Now the falsehood of this is so satisfactorily discovered by

divines, that none can be blamed for refusing an oath which would import an assenting unto these things as truths. Sure every magistrate is not fit for such matters; and should no other be a magistrate but he who is fit for such questions? Where is there any precept or precedent for this? What need is there, then, for church officers for church matters, if the civil magistrate may do all? See learned Voetius, *Polit. Eccles.*, p. 146, arg. 12. Yea, if they had taken this oath, they had condemned their worthy predecessors, who took their hazard, and declined the judgment of the civil magistrate in church matters; and should justify the severe sentences of imprisonment, confinement and banishment, which passed against them; and should assent unto the lawfulness of all these acts which established iniquity and tyranny by law. And how could they have done this with a good conscience?

12. By taking of this oath they should grant that ministers, in the discharge of their ministerial function, were not under Christ immediately, but under the magistrate; for, as his commissioners, they sit in the High Commission court, and are accountable to him for their mal-administration, and so are immediately under him, as their immediate superior and master. But this they could not grant, seeing, 1. As was said, these two powers are *toto genere* distinct, and so there cannot be a subordination amongst them; 2. There is no warrant for ministers receiving of instructions from the magistrate; 3. Nor for any civil pope more than for a church pope; 4. Ministers, in Scripture, are said to have immediate relation unto, and commission from God, and not from the magistrate; therefore they are called priests of God, 2 Chron. xiii. 9, 12; "men of God," 2 Pet. i. 21; 2 Tim. iii. 17; and are commissioned from Christ, Luke x. 2; Matt. xx. 2; xxi. 34, 35; xxii. 2, 3, 10; xxiv. 45; Isa. vi. 8; John xx. 21; Gal. i. 1; and not from the magistrate. They act in the name of Christ, and by power from him, 1 Cor. v. But there is enough spoken to this by judicious Wal-læus, and others, writing against Utenbo-gard and other Erastians, which will abundantly justify the refusing of this oath. See further learned Dr Voetius, *de Polit. Eccles.*, p. 145, arg. 10.

13. By the taking of this oath thus tendered, they should grant that the supreme

magistrate is exempted from subjection unto the ministry of the messengers of the Lord; for if ministers, in their ministerial function, act as commissioners from him, and as accountable to him, then, in the same administration, they cannot be above him: a commissioner, in the particular wherein he is a commissioner, cannot be over him whose commissioner he is. But this they could not grant, because there is no warrant for this exemption. Kings of old were not exempted from rebukes, and all are commanded to obey such as are set over them, Heb. xiii. 7. No king is excepted: emperors have submitted unto discipline; therefore they could not take this oath.

14. By taking of this oath they should yield unto many palpable and intolerable encroachments made upon the liberties and privileges of the church of Christ, which could not be done without great sin and iniquity: as, 1. That there could be no church judicatories or assemblies without his warrant or express consent; for in the act concerning the acknowledging of the royal prerogative, among other things annexed to the crown, this is one, "The convening of his subjects;" and this is explained, act 4, where it is ordained that none "of his subjects convene for holding of assemblies, to treat, consult and determine in any matter ecclesiastic;" and upon this ground doth the act concerning the national synod go; and upon this ground did King James take upon him to prorogue assemblies either to definite or indefinite times, as he thought good. Now no faithful minister or Christian could assent to this; because, (1.) Whatever may be said upon the grounds of prudence at some times, yet, when the business is spoken to as a case of conscience, and according to the rule of the word, this is true, that though the church be in the commonwealth, yet she is a distinct society from the commonwealth, and hath power from Christ to hold her own meetings and assemblies, for her own government, as she did while she was under heathen emperors in the days of the apostles. (2.) It hath been shown before what is the judgment of the church of Scotland in this particular, in their preface to the confession of faith. (3.) There is no express command either for seeking or having his express consent. The reformers of the church of Scotland never once thought of this, but as oft as conveniently they might,

and as necessity urged, they kept assemblies, not only without the consent of the supreme magistrate, but oftentimes against his will, thinking it their duty to assemble for the relief of the church, ay, until some difficulty were laid in their way which they could not get over, until some physical restraint, or somewhat equivalent, were laid upon them. (4.) It would neither be fit nor safe for them to condemn the worthies who stood so zealously for the truth, and kept that Assembly at Aberdeen, which occasioned their banishment. 2. That the power of convoking and indicting of synods and assemblies doth belong only unto the magistrate, the act for the national synod doth abundantly clear this. But to assent to this were a palpable wronging of the church, which hath intrinsic power for this, and needeth not go out of herself to seek it. The synod which did meet, act 15, was not indicted by any civil magistrate. The church should then be in an irremediable case when the civil magistrate is an enemy, but God hath provided means for the safety and preservation of his church, even when the higher powers are but small friends unto her (as oftentimes it falleth out). See the judicious and learned Dr Voetius, *de Polit. Eccles.*, p. 184, quest. 5. 3. That the power of delegating unto assemblies doth belong to him alone, so as he may appoint all the constituent members thereof according as he pleaseth, as the act for the national synod saith he doth, and that by virtue of his supremacy. But this were a gross wronging and robbing of churches of their power and privilege of delegating such as they think fit, according to the example of Antioch sending Paul and Barnabas to that synod, Acts xv., and the practice of the church in all ages. See Voetius, *ubi supra*, p. 187, quest. 7, 8. Yea, if so, the persons delegated should vote in his name, and not in the name of Christ or of the church, and the meeting should not be a pure church meeting, but either wholly political, or else politico-ecclesiastical. 4. That he might dissolve church assemblies and synods when he pleaseth; for the fore-mentioned act for the national synod warranteth them to meet only at such times as he pleaseth. But this were a great wrong done unto the church privileges. See Voetius, *ubi supra*, p. 190, quest. 13, 14. Synods should be no helps unto the poor church if they might sit no longer (whatever necessity might

urge) than his Majesty thought good to suffer. There is no warrant for any such dependence of church judicatories upon the civil magistrate's discretion. If Christ hath allowed synods to his church, for determining in church affairs, he hath allowed them to sit until they finish the business for which they did assemble. Yea, if they should yield to this, they should condemn the Assembly at Glasgow, 1638, which did sit until they had ended their business, notwithstanding of a command to dissolve. 5. That his presence, or the presence of his commissioner, is necessary unto each national synod; for the act of parliament, ratifying the act for the national synod, saith expressly, that "without the presence of the king, or of his commissioner, no national synod can be kept." But (1.) there is no law of God for this; (2.) the synods, in the primitive times, were held without his presence; (3.) there were many General Assemblies held in Scotland without his presence; (4.) the magistrate, as such, is no constituent member of the synod, and therefore his presence is not necessarily requisite. See Voetius, *ubi supra*, p. 188, quest. 9; (5.) if there be such a necessity for his presence at national synods he must not be absent from lesser assemblies, and thus there shall be no church judicature held without his presence; which were most absurd. See what the learned and famous Voetius saith to this, *Polit. Eccles.*, part 1, p. 199, 200. 6. That ministers have no proper decisive suffrage in synods, because the forecited act saith, that matters are to be settled only by their *advice*; so that, in their synod, they are only the king's counsellors convened to advise and consult, and a power only to advise is no decisive suffrage; and so the act concluded is the deed of the supreme magistrate following their advice, and is not their deed. Now this is most absurd and destructive to all synods, and of all their power; and thus it should be far worse with synods now when magistrates are Christians than when they were heathens. Moreover, there is no warrant for his having, with the rest of the commissioners, a voice in those synods, far less for his having the whole power. It is clear that, as a magistrate, he can have no suffrage or voice in these synods, for then heathens, who are no way qualified for such a business, should have it likewise; yea, if it were so, all the determination of synods should be civil acts,

and no church acts, being done by one who is no church officer, yea, nor a church member, as such, let be a church judicature. This was Episcopus the Arminian's judgment, in dispute, *de Jure Magistratus circa Sacra*, thes. 16, namely, "That he may convocate assemblies, choose members, prescribe laws unto them and the way of procedure, ask the suffrages, and either peremptorily enact, or approve what is done, that it may pass into a law." See Voetius, *ubi supra*, p. 191, quest. 16. 7. That the judicatories of the church be prelimited; for nothing may be enacted by the national synod which is contrary to his Majesty's royal prerogative, or to the laws of the land: so saith the parliament's ratification of the act for the national synod. But what if iniquity be established by a law; and what if Christ's royal prerogatives be taken from him and given to the king? Shall the church, in her judicatories, do nothing for the truth? Shall she give no testimony against these usurpations? Shall the laws of the land and the king's prerogatives be her *cynosura*? What use shall be made of the word of God then? Where is there any such caution or limitation given to the church? But enough of this. 8. That church judicatories may not so much as consult and debate about any act, matter or cause, but what shall be allowed and approved by his Majesty, or his commissioner; for these are the very words of the act of parliament. But who can assent unto this intolerable encroachment, destructive of all church judicatories, making them no judicatories at all, but a company of men convened for giving advice. But where was there ever the like of this church judicature? The naming of those things is sufficient to discover their vanity. See excellent Voetius, *ubi supra*, p. 189, quest. 11. 9. That no church canon or ordinance hath any effect, force or validity, but what shall be approved and confirmed by him or his commissioner; for so much doth the forecited act import. Now who but he who hath drunken in the opinions of Erastus and Arminians will assent unto this? It is true the canons and ordinances of a church judicatory cannot have the strength of a municipal law without the magistrate's civil sanction, but yet they may have the strength of church canons, whether he approve of them or not,—as the acts of the council at Jerusalem, Acts xv., and of all other synods

and assemblies which the church had during the first three hundred years,—otherwise the church should be in a hard case when the civil magistrate did refuse his concurrence, and (as hath been oft hinted) in a better case under heathens than under Christian magistrates; therefore this could not be assented unto. 10. That all church canons are his proper acts, and flow natively from him and his power; for the meeting is but for counsel and advice to him, and all that they say is without force unless he approve it, as the act saith; and so all their acts and canons are his only and not theirs. But this could not be granted, because, 1. Whatever he doth, as supreme governor or magistrate, is a civil act, and no church act, and so no church canon; 2. No church canon can be made by any but by church officers, who are empowered by Jesus Christ for that effect, but the magistrate, as such, is no church officer; 3. This power is without all warrant of Scripture, and therefore cannot be acknowledged.

Thus you see what encroachments upon the privileges of the church the taking of this oath, thus sensed by them, carrieth along with it, and, albeit there be some Erastians and others who take these for no encroachments, but truths, yet reformed divines, such as famous and worthy Voetius, Apollonius, and others, have sufficiently manifested them to be gross errors; and, because the end designed in this undertaking is satisfaction to orthodox and reformed sound divines, with whose principles the present suffering church of Scotland doth accord, it is accounted sufficient only to mention those things which the taking of this oath, as explained by their acts and deeds who tender it, would clearly import an assenting unto. But, to proceed,

15. By this oath they should grant that the church is very imperfect so long as she wanteth a Christian magistrate, for she wanteth a chief officer; and hence it will follow that the church, in the days of the apostles, and some hundreds of years thereafter, was imperfect as to its constitution, wanting this supreme governor; otherwise they must say that Nero, Caligula, and the rest of the Roman persecuting emperors, did sufficiently fill up this place; and that the apostles did upon the matter, and would not have refused, plainly to have affirmed that these persecuting heathens were supreme governors over all persons, and in

all causes civil and ecclesiastic. But none of those can be affirmed with any probability or show of reason.

16. Yea, by taking this oath they should grant that the apostles and primitive church walked not regularly in the matter of governing the church, because they acted with no such subordination unto the supreme magistrate who then was,—they derived no power from him as their supreme governor in causes ecclesiastic. To say that necessity did put them to this is but a poor defence; for then, out of necessity, the primitive church did rob the magistrate of his power, or else this power agreeth not to all magistrates, but only to Christian magistrates; and if so, it cannot be a power or privilege annexed to the crown. And further, it doth not agree to them as Christians, nor yet as magistrates, otherwise it should agree to all Christians, and to all magistrates, which is false; and therefore it cannot agree to them as Christian magistrates; for as learned and renowned Dr Voetius saith, *Polit. Eccles.*, p. 137: *Duo subjecta, et principia formalia, quæ non sunt unum, aut unita per se, non possunt fundare effectum formalem per se unum sc. ex. gr. homo unus si sit consul, et pater, non potest dici habere potestatem consularem in cives, quâ consul-pater, nec potestatem patriam in filium quâ pater-consul.*

17. By taking of this oath, they should yield unto the opening of a door unto the utter destruction and overthrow of all church judicatories; for, by their judgment who tender that oath, the king is the fountain of all church power, and whoever executeth any church power executeth it as his commissioner; and he may employ in this business whom he pleaseth; and, by the act for the High Commission, he employeth civil persons, who are no church officers, in deposing ministers, and in excommunicating, and so he may employ such persons always, and only such, for he is at liberty to employ whom he will; and so at length he may put aside all church officers, and so lay aside all church judicatures, and handle all church business in civil courts. But what Christian could yield to this? See Voetius, *ubi supra*, p. 146, arg. 11.

18. By this oath they should grant unto the civil magistrate power to erect new courts which have no warrant in the word, and

such courts as the church had not all the days of the apostles, nor many centuries of years thereafter; for, by virtue of his supremacy, he erecteth this new court called a High or Grand Commission, wherein civil persons meddle with church matters, and execute church censures, and churchmen meddle with civil matters and civil censures. But to yield to this should be to destroy all church power, and to condemn the apostles for not leaving behind them the example of such a court, and the primitive church for not setting up such a court. By presbyterian principles no judicature must be acknowledged for a court of Christ but that which hath Christ's warrant.

19. By taking this oath they should yield unto the lawfulness of appealing from a church judicature unto the civil magistrate; for it is lawful to appeal from an inferior judicature unto a superior; and, by the tenderers of the oath, the supreme magistrate is a superior judicature. It is lawful to appeal from the commissioners unto such as have given them that commission; and ministers, in these judicatories, are but his commissioners. But sound divines, writing against Erastus and the Arminians, will justify their refusing to yield to this; and if they should have yielded to this they should have condemned the General Assemblies that declared such as appealed from a church judicature unto the king and his council censurable with the sentence of excommunication, and approved of such perverse troublers of the church as took this corrupt course to keep themselves from censure. Moreover, there is no example of any such lawful appellation; for Paul's appeal unto Cæsar was from a civil court,—from Festus,—and was in a matter of life and death, and from no church judicatory. See Voetius, *ubi supra*, p. 197, quest. 24.

### SECTION XIII.

#### THE FORMER PURPOSE FURTHER PROSECUT- ED, AND MR STILLINGFLEET'S NOTION EX- AMINED.

There is one reason more pleading against the taking of the oath as it is now glossed, and it is this:

20. By taking of this oath they should assent unto that power which is given unto

the king in the 16th act of parliament, namely, a power to settle and secure church government in such a frame as shall be most agreeable and suitable unto "monarchical government, and most complying with the public peace and quiet of the kingdom;" and so grant, 1. That there is not one form or model of church government set down in the word, obliging churches in all ages to follow the same; 2. That the supreme magistrate alone may appoint what form he thinketh good.

To speak to this head at length would take a long time, in regard that one Mr Stillingfleet hath been at the pains to give the world a proof of his learning and reading, by engaging in this quarrel, and in pleading against the privilege and prerogative of the crown of Christ, whom God hath made king in Zion, and who will reign until all his enemies be made his footstool. He would, without all doubt, have had more peace when stepping into eternity if he had employed his parts and abilities for Christ and his interests as king, and sole king, in his church and kingdom.

But yet, though the nature of this discourse will not admit so long and full an examination of the grounds whereupon this learned man walketh, something must be said in short, and so much the rather, because, through the injury of the times, the labours of such as have fully and solidly answered him cannot be got printed.

And therefore, till providence so order matters as that both these and several other things against prelates may receive a free *imprimatur*, take these few observations upon his whole book, which he is pleased to call a *weapon salve*, &c., so far as concerneth the business in hand.

*Obs.* 1. He granteth, p. 154, "That it is necessary there should be a form of government in the church, by virtue not only of that law of nature which provideth for the preservation of societies, but likewise by virtue of that divine law which takes care for the church's preservation in peace and unity." So then, if there be such a divine law for a form of church government, and if, in the primitive times, there was a form of church government followed, the point is gained by Mr Stillingfleet's own concessions; for, part 1, cap. 1, sect. 3, he saith, "That there is not the same necessity for a particular clear revelation in the alteration of a law unrepealed in some circumstances of it,



as there is for the establishing of a new law: as to the former, a different practice by persons guided by an infallible spirit is sufficient, which is the case as to the observation of the Lord's day under the gospel; for the fourth command, standing in force as to the morality of it, a different practice by the apostles may be sufficient for the particular determination of the more ritual and occasional part of it." Now, there being a standing moral law for a form of church government, the practice of the apostles, who were guided by an infallible spirit, is sufficient for an alteration; and so, as their practice obligeth now to the observation of the first-day sabbath, because of the standing force of the moral law for one day of seven, so their practice obligeth now unto that form of government which they used, because of the standing force of the law of God for a form of church government. So that we need not inquire after a particular and clear revelation in this case, where there is but the alteration of a law unrepealed as to some particular circumstance. And thus, if the morality of the first-day sabbath stand, the morality of the government of the church which the apostles did set up will stand also. Their practice altering the last day of seven into the first will no more oblige than their altering of the ancient government into a new one, which was distinct from the former.

*Obs. 2.* Part. 2, cap. 1, sect. 4—6, when he is about the stating of the question, he will have a national church to be understood as a church in which a form of government should be settled. It is true a national society incorporated is a church; it is also true that the notion of a church agreeth to other societies than national, and, as himself says, wherever the notion of a church particular is to be found, there must be a government in that church; and so every society which may be called a church should have a government in it. But now the question is, whether every such society as may be called a church should have its own liberty to set up what form of government it thinketh best, or only a national church? If only a national church have that liberty, then that liberty agreeth not to a national church as it is a church, but under some other notion. And what is this other notion? Is it because they are under one civil government? But many nations may in some respect be under one civil government; and, in some respect, there is hardly any one nation which in all

its parts, incorporations and cities, is governed after one and the same manner. But further, what hath the church to do with the civil laws or civil way of government, especially seeing himself granteth that the church is a quite distinct society from the civil state? But next, if every church hath this liberty, then in one and the same national church there may be many several sorts of governments; and this would occasion the greatest confusion in the world, and looketh no way like the ordinance of God, as it neither tendeth to union nor edification, but to confusion and distraction, and will make every parochial church (and he cannot deny a parochial church to be a church) to have its own distinct form of government. Thus parochial churches should be like the cantons of Helvetia, or distinct kingdoms, ruled by their own laws and after their own manner. If it be said that the unity and peace of the national church ought much more to be looked after than the peace and unity of any one particular congregation: *Ans.* Will it thence follow that every particular congregation in a national church should be governed after one manner? then it will follow also that all national churches, being members of the church universal, must be governed after one and the same manner; for the peace and unity of the church universal is preferable unto the peace and unity of a national church, as the peace and unity of a national church is preferable unto the peace and unity of particular congregations. But where shall a magistrate be found for establishing this one form of government? Is it not then safest to say, That Christ hath set down such a form which all churches, all the world over, are obliged to follow and imitate; for he only is head of the church?

*Obs. 3.* When he stateth the question, part. 2, cap. 3, sect. 1, he limits the dispute unto two sorts or species of government, thus, "Whether the church should be governed by a college of presbyters, or by a superior order above the standing ministry, having the power of jurisdiction and ordination belonging to it." But, under favour, this is not fair dealing in stating of a controversy; for his business is to show that there is no form at all settled by a *jus divinum*; that there is no warrant in the word for any one form more than for all the rest, and that there is no one form so determined by a positive law of God, that all the churches of Christ are bound to observe it; but that it is left to the

prudence of every particular church to agree upon its own form, which it judgeth most fit for the ends of government in itself. And if this be his drift and scope, may not every one see how he prevaricateth here in limiting the dispute to these two forms, seeing there are more forms pretended unto. The Independents will grant that there is no warrant in the word for either of those two forms mentioned, and yet will allege that there is another form allowed of God and determined. The Papists have a form of government, and it may be the prelates think that their form differeth from that; the Morellians have another form distinct from all these; the Erastians have a sixth, and it is possible that Mr Baxter shall give him a seventh, made out of presbyterian, episcopal, independent and Erastian. Now, if his principles exclude all these, why was the dispute limited to two? Or doth he think that these other forms are expressly excluded by the word, and that churches are not left at liberty to make choice of any of them, but only of either of the two which he mentioned? Then the Scripture is expressly and determinately against several forms of government; and if this be true, his principles are overturned; for if the law of God be expressly against some forms, it must be more for other forms than for these; and all forms are not indifferent, nor are men left at liberty to pitch upon what form they please.

*Obs. 4.* He granteth, part. 2, cap. 2, sect. 1, "That the government of the church ought to be administered by officers of divine appointment." And now, what shall become of that government by a superior order above the standing ministry; for a prelate, as a superior order, is a distinct officer from presbyters, and so must have a divine appointment, and if he hath a divine appointment, he must be a standing officer as well as presbyters; and if so, men must not, as they please, lay him by. But the government by prelates must be *juris divini*; and if, upon the other hand, he be really a distinct officer, and hath no divine warrant or appointment, the government of the church by prelates must be utterly unlawful.

But what saith he to this objection? part. 2, cap. 4, sect. 11, "These officers are only said to be new that were never appointed by Christ; and the church may appoint none such; but if such be meant as have a charge

of more than one particular congregation, by the consent of pastors themselves, such an officer is not new; for, beside the general practice of the churches, from the first primitive times, which have all consented in the use of such officers, we find the foundation of this power laid by Christ himself in the power which the apostles were invested in, which was extended over many, both pastors and churches; and this power must be proved extraordinary before it can be said to cease; and that must be done by some arguments proper to their persons; for if they be of a moral nature they will prove the office to be so too. I say not but that the necessity of the office, as in their persons, for the first preaching and propagating the gospel, did cease with them, but that after their death it became unlawful to take charge of diocesan churches, I deny; for to make a thing unlawful which was before lawful there must be some express prohibition." Thus he.

To which it is answered, 1. It appeareth, then, that a bishop is a distinct officer from a presbyter; for the apostles were distinct from presbyters; and their office, by Mr Stillingfleet, is the same, upon the matter, with that of the apostles, namely, a power over both churches and pastors; for he will not grant that that power in the apostles was extraordinary; for he says that the foundation of this power was laid by Christ himself in that power which the apostles were invested in; and therefore that power of the apostles and the power of prelates must be one upon the matter; and so prelates must be distinct from presbyters, as the apostles were. 2. It is strange how he can so confidently say, that it was the practice of the church of God from the first primitive times to consent to the use of such officers, seeing himself is at so much pains to prove that "antiquity is most defective in the times immediately after the apostles, and that none dare, with confidence, believe the conjectures of Eusebius, at three hundred years distance from the apostolical times, when he hath no other testimony to avouch but the hypothesis of an uncertain Clement and the commentaries of Hegesippus," &c., p. 296, 297. 3. To let this pass, Mr Stillingfleet would do well to show whether the office of apostles (which is a distinct thing from their extraordinary immediate mission, which he is pleased to make the main distinguishing note of an apostle, and also from

the power of working miracles, to confirm the truth of what they preached) did cease by God's warrant and approbation or not; if not, how could any be so bold as to lay this office aside, by which persons should be invested with power over many, both churches and pastors? And how can any say that it is not still necessary? Mr Stillingfleet seemeth here to plead for the divine right of prelacy; and, indeed, if the office and power of apostles be the same with prelacy, and if that power or office be not laid aside with God's warrant and approbation, it must still be an office allowed of God; and if so, Mr Stillingfleet's notion will fall to the ground. His saying that "the necessity of the office, as in their persons, for the first preaching and propagating the gospel, is ceased," is nothing to the purpose; for he must speak of the office as it is the same with the office of prelates. It is certain the necessity of the office, as in their persons, must cease, because they are gone, and the work of first preaching and propagating the gospel could be done by none after them, when they had done it themselves; but that was not their ordinary office, if Mr Stillingfleet speak truth here. If this office did cease by God's warrant, then how can any raise it up again without his express warrant? for either it was the Lord's will, when he caused it to cease, that it should cease till he was pleased to make use of it again, or till men pleased to raise it up at their own pleasure. This last cannot be proved, and therefore, seeing God thought fit to lay it aside, and gave no signification of his mind when the church should be at liberty to make use of it again, it must now be as a new office, unwarranted of God, and so unlawful. 4. That rule, that "to make a thing unlawful which was before lawful, there must be some express prohibition forbidding any further use of such a power," will not always hold in this case; because some other thing may be equivalent unto an express prohibition, namely, when God removeth the special proper work of such an office, and the special proper qualifications with which such offices were endued: when these cease the office ceaseth, and God thereby declareth that the office and work was extraordinary, and therefore should not continue. As, for example, in the primitive church there were some prophets, and these were distinct from apostles, and evangelists, and pastors, &c.; so were

there workers of miracles, and such as had the gift of healing, and of speaking with tongues; and when God withdrew those gifts fitting those officers for the work unto which they were then called, did he not thereby declare that it was his will that that office should cease? And was there a necessity for any other express prohibition? And because of the want of this express prohibition, will it be lawful now for any to set up such officers and offices in the house of God, when God giveth not the qualifications, and so giveth not the call thereunto? So is it in this case of the apostles: when their qualifications and their special work ceased their office ceased, and there will be no call for such officers till there be fit work, and God give fit qualifications; and, without a call and warrant, it must be unlawful to set up such an office again. This will be clearer if it be considered what was the special work of an apostle. It was this: "A planting of churches, and settling of the gospel government in them, by instituting the standing officers thereof, and that by an eminent power immediately granted by Christ to them solely." This was their special work, and this ceased with them, and so did their office with it, as also the qualifications; and therefore it would be unlawful now for a church, at her own hand, to set up such an officer again, though there be no express prohibition. By this it is clear, 5. That the power and office of apostles laid no foundation for prelatical power, the work belonging to them, as such, being altogether extraordinary. It is true their power did extend over many churches and pastors, but yet, 1. They were not fixed to such and such particular dioceses, as proper to themselves, but sometimes more of them were together in one place, following their work; nor, 2. Did they account themselves the sole pastors of such or such a church after other ministers had been ordained there; 3. Nor did they ordain alone in churches constituted; nor, 4. Did they exercise jurisdiction alone, but always they joined others with them in churches settled; 5. They assumed to themselves no negative voice either in ordination or jurisdiction, and so in them there could be no foundation for prelacy laid, even as to their common work, or work of a lasting nature which did not properly and peculiarly appertain to them as apostles; 6. Neither, finally, were they consecrated and ordained

after the manner that prelates are now consecrated, being first made deacons, and next presbyters, and then bishops; so that there is a vast disparity.

But, distrusting this answer, he giveth a second, sect. 12, to this purpose: "The extending of any ministerial power is not the appointing of a new office, because every minister hath a relation, *actu primo*, to the whole church of God, the restraint and enlargement of which power is subject to positive determinations of prudence and conveniency, *in actu secundo*. The exercise and execution of the power of order belongeth to every one in his personal capacity, but as to the power of jurisdiction, though it belong habitually and *actu primo* to each presbyter, yet being about matters of public and common concernment, the limitation and exercise of it belongeth to the church in common (such is the power of visiting churches, of ordination and censures), and, when this is devolved to some particular persons by the rest of the pastors or by the magistrate, *quoad executionem*, it belongeth to them."

*Ans.* 1. This contradicteth the former answer; for the former answer did suppose that these were distinct officers from presbyters, because their office was such as the ordinary office of the apostles; and the apostles were distinct from other church officers, even by their office, and not in respect only of their extraordinary mission, or power of working miracles: but this answer affirmeth them to be one and the same with presbyters. But, 2. By this answer he might plead for the Pope; for every minister, *in actu primo*, hath a relation to the whole church, and so might be a pope, if the supreme magistrate or the rest of the ministers would devolve upon him the execution of the power of jurisdiction; and so the Pope is no new officer, but a mere presbyter, only his power of jurisdiction is enlarged: so may he plead for cardinals, patriarchs, primates, archbishops, as well as for bishops. But it will be objected that the Pope pretendeth to some other thing as the warrant of his power, even to a *jus divinum*. And so do prelates; but, with Mr Stillingfleet, all is one whether that be pretended unto or not, for it is no matter what they say of themselves, but what any may feign of them, to the end they may both deceive others and be deceived themselves. This is as if one would defend a

man who had taken upon himself to be a king of such or such a commonwealth, contrary to the fundamental laws of the land, and would allege that he were no distinct officer from any other member of parliament, because, forsooth, the power of government, as to its execution, is subject to positive determinations; and parliaments may and do commission some of their number to some eminent piece of work, as to be a general or the like; and he who calleth himself king is nothing else, notwithstanding that he rule the commonwealth with as absolute power and unlimited as ever king did. Sure any man of understanding would smile at such a defence, and just such an one is Mr Stillingfleet's. Prelates rule and domineer with as absolute and unlimited power as ever any did, and when it is alleged that they account themselves distinct officers from, and superior to other presbyters, and that there is no warrant for any such officers, Mr Stillingfleet, their new advocate, cometh in, and saith, They are no distinct officers, let themselves say what they will; you may take them up as no distinct officers, and so suffer them to domineer still. If you look upon them as no distinct officers there is no hazard, all is safe, be they pope, be they prelate; and, let them pretend to never so high and special commissions, as special and distinct officers, yet they may be submitted unto and obeyed,—this mental conception will make all right. 3. When any are disputing against an intruder in the house of God, whether is it safest to take him up in his own colours, and to look upon him as he holdeth forth himself, or to paint him as any think best? If any disputant would take liberty to paint him as he pleaseth he should not dispute for truth, but deal deceitfully. Let Mr Stillingfleet answer this question, Whether is it possible that a man may give out himself for a new officer or not? or whether is there any hazard that such an one may be acknowledged and countenanced as an officer, and as such an officer as he giveth himself forth to be in the house of God, or not? If Mr Stillingfleet be consonant to his principles he must answer that it is not possible; for really there can be no new officers warranted of God, and every one is at liberty to take them up under a right notion, and there is an end: and then, let all the popish rabble, and ten times more, come in, they may be submitted unto; for really there can be no

other officers in God's house but pastors and deacons (with Mr Stillingfleet), and every one may look on all the rest as having their power either restricted or enlarged, according to the determination of prudence. 4. It may be asked, whether the apostles were distinct officers from presbyters, yea or not. If they were distinct, what was it which made them distinct? It could not be their different way of mission; for Matthias had not such a mission as James, John and Peter, and the rest had, and yet all of them were apostles, and Matthias no less than the rest. It could not be their extraordinary qualifications; for prophets, and workers of miracles, and speakers with tongues, had extraordinary qualifications, and yet they were not the same with apostles; and, further, distinct qualifications make not distinct officers. Or, was it a larger extended power? Then it is certain that prelates, upon the same account, must be distinct officers from other presbyters; for they have a larger extended power than other presbyters have. 5. Doth Mr Stillingfleet think that there is no difference betwixt a man who acteth as commissioned from a judicature, having his power and particular commission from them, and a man who doth all of himself, by his own power, having a commission from none; and that there is no difference betwixt one who receiveth commands from others, as accountable to them, and one who taketh upon him to command them as he thinketh best; and betwixt the general of an army sent forth by the estates of a land (ruled without a king), having power and commission from them, and a king making use of the estates, or of the parliament of the kingdom, as his counsellors, whose advice he will follow, or not follow, as seemeth him good, and commanding all of them as pleaseth him best. If he think that there is no difference betwixt these, then, indeed, he cannot be much blamed for thinking that the prelate whom he useth is one and the same with the prelate of whom the controversy is. But, in sober sadness, let it be asked of Mr Stillingfleet, if he did satisfy himself with this his fiction and notion. There is no controversy now about what may be, or of a man in the moon, but of the prelates who are now in being; and, concerning these, it would be asked, whether he thinketh that they are chosen by the church over which they are, and that they are empowered by that church, or by the officers of that church, for that ef-

fect, and that they are accountable unto them, so that their power may be restrained at the church's pleasure; or not rather, that they choose and ordain the presbyters, and commission them, calling them to an account, and punishing as they think fit, usurping and using this power as their own, not borrowing it from the presbyters, in whole or in part, as being themselves solely invested with all church power from Christ, and letting out the same to presbyters as they think meet. Now it is of these that the controversy is, and it is such as are understood when it is said that they are new church officers, and there is no controversy concerning Mr Stillingfleet's supposed commissioners; for whether such as he speaketh of be new distinct officers or not, it is no matter, so long as those of whom the dispute is are such, without all question, for anything which Mr Stillingfleet hath said to the contrary; for the persons he speaketh of are not the same with the persons concerning whom the controversy is. Commissioners having all their power derived from others are one thing, and such as have all the power from and within themselves are another thing. But, 6. To put the matter more out of doubt, let it be considered, that a distinct proper work with a distinct ordination for that effect is enough to make a distinct officer. What distinguisheth presbyters and deacons (let ruling elders be laid aside, seeing Mr Stillingfleet will not own them as church officers) but their distinct peculiar work and ordination? and so, since prelates assume to themselves, as their peculiar work, the power of jurisdiction and ordination (to speak nothing of the power of order), they do account themselves, and so must all take them to be distinct officers. All the prelates that ever were yet in the world did look upon themselves as distinct from presbyters, and all who ever wrote of prelates took them up as such (whether *jure divino* or *humano*, all is one as to this business of their being distinct) till Mr Stillingfleet did vent his new notions. 7. That a judicature which acteth jointly in matters of jurisdiction may, in some particulars, for facilitating their execution, empower one or more of their number for that effect, is easily granted, but that they may so empower them as to denude themselves wholly of the power, and so enlarge the power of others as to null their own, must be otherways proved than by Mr Stillingfleet's bare

assertion. Christ's commission taketh in both the power of order and jurisdiction, and alloweth his servants no more to denude themselves of the one than of the other. They themselves must answer for the duties of the one as well as for the duties of the other. And every presbyter hath the *jus* to both as well in *actu secundo* as in *actu primo*. Judicious Voetius, *Polit. Eccles.*, p. 224, quest. 15, doth abundantly clear this particular, showing that such a delegation is not lawful,—out of Matt. xviii. 18; xvi. 18; 1 Cor. v.; Acts xx. 28; 1 Tim. v. 17; 1 Thess. v. 12; 1 Pet. v. 1, 2; compared with 1 Tim. iii. 5; John xx. 20; 1 Tim. iii.; iv. 13, 14; 2 Tim. ii. 2; iv. 2; Tit. i. 3, 5, 7, 8,—“whatever may be done in case of necessity, for dispatching of some particular act which is transient.” And how or what way the limitation and exercise of the power of jurisdiction belongeth to the church in common more than the limitation and exercise of the power of order, is not yet clearly demonstrated by anything which Mr Stillingfleet hath said. And it is known that prelates arrogate to themselves a special or sole interest in the power of order as well as in the power of jurisdiction, and therefore they style themselves the only pastors of the dioceses, and say that the presbyters are but their substitutes and vicars; and it is certain that they assume to themselves the sole power of ordination. And though here, in this place which is now under consideration, Mr Stillingfleet is pleased to rank up ordination under the power of jurisdiction, yet elsewhere, namely, p. 273, he saith that “the collation of orders doth come from the power of order, and not merely from the power of jurisdiction.”

8. How cometh the Christian magistrate herein to appoint the constant limitation and exercise of the power committed by Christ unto church officers? This is a very great power granted unto the civil magistrate, and some warrant would be seen for it. But this is not the proper place to examine his notions concerning the power of the civil magistrate in church matters. Enough of this observation.

*Obs. 5.* With Presbyterians, the practice of the apostles, and of the churches in their days, following their appointment and command, is of much weight. It is true their examples, as examples, do not bind; but when the Lord hath sent them forth for this end and errand—to plant churches, to

ordain new offices and officers immediately under him, and to appoint unto these officers their proper work, and to show them how and what way they should go about their work, and when, in all things, they delivered nothing to the church but what they received of the Lord, 1 Cor. xi. 23; and as Tertullian said, *de Præser. adv. Hæreses: Apostoli nihil ex suo arbitrio elegerunt quod inducerent, sed acceptam a Christo disciplinam fideliter nationibus assignaverunt*; sure, then, their practice and example ought to be followed. Seeing they were sent forth for this end especially, namely, to reform and settle churches in doctrine, worship, discipline, and government, according to a new gospel model, can any think that we are not obliged to follow their practices? It is true there can be no duty without a law making it a duty; but Christ's sending them forth for this end, and giving them a special commission for this work, sending them forth as the Father sent him, and breathing the Holy Ghost upon them, and commanding them, (Matt. xxviii. 19, 20,) to go and teach all nations all things which he had commanded them; and, Acts i. 2, 3, “Speaking to them of the things pertaining to the kingdom of God,” (by which, saith Calvin, on the place, “Is signified, that Christ would not go away till first he had seen to the government of the church,”) carry a law in their bosom, and say that their example was obliging. And when there is a law or warrant for following such an example, it is but in vain to dispute, whether it be the example which bindeth, or the rule making it our duty to follow such an example. But, moreover, he will grant that examples in actions that are morally natural are obliging (whether as examples, or by reason of the morality of the action, needeth not be anxiously inquired after), and will not actions done by them upon moral grounds, that are of perpetual concernment, become actions morally natural, and so obliging? Is not their example in observing the first-day sabbath obliging? And why? He says, Because there was a moral law standing in force concerning the observation of one day in seven. Why then shall not their example in observing such or such a form of government be obliging, seeing there was a moral law standing in force concerning the government of the church in general? Is there any rule extant making their example in

the one case obliging and not in the other? If the apostolical practice in the one case make an apostolical tradition, and so a divine institution, so will their practice do in the other case; yea, the examples of the church's practice in the apostles' times, and hints from their writings, do sufficiently evidence an institution. We read of elders in Jerusalem, and hence we safely argue that they were ordained, though we read not, in *terminis terminantibus*, of the manner how they were ordained (saith one).

But he hath four things to object against this ground taken from the practice of the apostles, though acted by the Spirit, part 2, cap. 6, sect. 20.

As, 1. "That the apostles did many things without any intention of obliging others, as preaching without maintenance," &c. *Ans.* 1. The consequence is null: because they did many things without such an intention, will it follow, therefore, they did nothing with such an intention? 2. The dispute is about such actions as were done by them by virtue of their special office and calling, of which kind this is none, to preach at some churches without wages. 3. Yea, this same action of preaching without wages is to be imitated in the like cases; that is, when ministers have a competent livelihood otherwise, as Paul had, who said, "He robbed other churches," 1 Cor. xi. 8; and when there is no other way to stop the mouths of false teachers, who thereby take occasion to hinder the good of the gospel; for this was the thing which moved Paul to take no wages from Corinth, "That he might cut off occasion from them that desired occasion;" and these were the false apostles, 1 Cor. xi. 12, 13.

2. He saith, "The apostles did many things upon particular occasions, emergencies and circumstances, which things, so done, cannot bind by virtue of their doing them, any further than a parity of reason doth conclude the same thing to be done; as Paul's celebrated community of goods, their preaching from house to house, abstaining from blood," &c. *Ans.* This is still to argue a *particulari*: because such and such particular practices oblige not, therefore no practice obligeth, is a weak consequence. 2. Actions done upon particular occasions and emergencies are of another nature than such actions as are done upon moral and lasting grounds. 3. If even those actions bind upon the ground of

a parity of reason, much more will these bind upon the same account; for whatever ground or reason be given why the apostles followed such a model of government in their days, will stand good now, and evince that the same model ought to be followed. 4. And whereas he saith, "before an acknowledged apostolical practice be looked on as obligatory, it must be made appear that what they did was not according as they saw reason and cause for the doing of it, depending upon the several circumstances of time, place, and persons, but that they did it from some unalterable law of Christ, or from indispensable reasons, as will equally hold in all times, places, and persons," he confirmeth what is now answered; for the reasons of their erecting such a species of government do equally hold in all times and places: nothing can be said for the dependence of such a form upon the several circumstances of time, place and persons. As for the particulars mentioned by him, it is answered: 1. For celibacy, Christ himself (Matt. xix. 12), restricteth to such as have the gift of continency, and it bindeth none else. 2. The community of goods was for that time only; for the contrary is practised in after times by all other churches and Christians: for when Paul is pressing the Corinthians unto a contribution, he never mentioneth this as an argument moving thereunto. 3. Their "preaching from house to house" was for want of conveniency of more public places, and yet, when they had liberty, they went to the temple, and to Solomon's porch, and to synagogues. 4. As for that, Acts xv., concerning the "abstaining from blood, and things strangled, and things offered to idols," it was only for that time of the scandal, and not always; for Paul taketh off this, 1 Cor. x. 25, when he saith, "Whatsoever is sold in the shambles, that eat, asking no question for conscience' sake." And again, when he says, 1 Tim. iv. 5, "Every creature of God is good, and nothing to be refused, if it be received with thanksgiving." But there is nothing of this kind that can be shown in the matter of the species of government, as shall further appear when his allegations are answered afterward.

3. He says, "Officers that were of apostolic appointment are grown out of use in the church, as widows, 1 Tim. iv. 9, or deaconesses, Rom. xvi. 1." *Ans.* These deaconesses were not church officers having any

ministerial charge or office in the church, for there is nothing spoken of their ordination; but they were poor eleemosynaries, and indigent women, taken in for some service unto sick strangers, or *propter horam balnei; aut visitationis quando nudatum fuit corpus mulieris*, as saith Epiphanius, lib. 32, tom. ii. heres. 79. And so their work was for those hot countries, and because now there is no such necessity for their work, themselves are laid aside. But, 2. Are there not several other offices laid aside, as apostles, prophets, and evangelists; and will he hence conclude that therefore nothing of their practice obligeth? 3. If this ground be followed forth, that apostolic practice, even in the matter of officers instituted by them, is not of an obligatory nature, then may all church officers be laid aside, and so his formerly-mentioned position and concession touching the government of the church by officers only of divine appointment will fall to the ground. If he say that divine institution is one thing, and bare examples are another thing, *Ans.* Then his reason here is impertinent; for all church officers are of divine institution, and these deaconesses among the rest must be of divine appointment. And then, what hath this to do here, where the exemplary practices of the apostles are only spoken of, which yet, to Presbyterians, in the case of government, will speak fair for a divine institution. Finally, If it could be cleared what was and ought to be the proper work of these widows, and that it were of a lasting necessity unto the church, in all places and at all times (of which the Scripture is altogether silent), as may be seen concerning other standing officers of the church, respect should be had to that ordinance of God as well as to others.

4. He saith, "Rites and customs apostolical are altered, as dipping in baptism, love feasts, holy kiss, and therefore men do not think that apostolical practice doth bind." *Ans.* 1. He still argueth a *particulari*, which is very unsure and fallacious; because in some things men look not upon the practice of the apostles, as binding therefore in nothing: this argument will not hold. 2. There is a great difference betwixt rites and customs, which are alterable, and such and such forms of government which be of a more lasting nature. As for dipping in baptism, it is nowhere commanded, nor was it constantly practised by the apostles, nor other church officers. It is true they

were commanded to baptise, but this will not necessarily import baptising by dipping; for baptising anything may be otherwise than by dipping, as these places do clear, Mark vii. 4; Heb. ix. 10, with Num. viii. 7; 1 Cor. x. 1; Rev. xix. 13, compared with Isa. lxiii. 3; Matt. iii. 11, compared with Acts ii. 17. And, next, it is several times found that they baptised when and where they could not get dipping used, as Acts ii. 41; iv. 4, where such multitudes could not be got dipt, especially in the streets. So Acts ix. 18, 19, This was in a lodging, when Paul was sick and weak, and so unfit for dipping. So Acts xvi. 33, This was in the night, in a private lodging, when Paul and Silas, by reason of their sores, were unable for dipping. And therefore all that can be said in this is, that sometimes they used dipping and sometimes sprinkling, as occasion offered; and this will speak nothing for the apostles' continual practising of dipping, and so it will not speak home to the case in hand. 4. As for "love feasts," if they were ordinary feasts amongst private Christians, it was but an act of civility to use these, and they needed no institution from the apostles' practice, and a custom it is that continueth yet; but if it be meant of the feasts which they kept at the Lord's supper, when rich persons brought some meat with them to make a feast of at that time, this was not constantly practised by the apostles (of whose practices we are now speaking), nor yet was it warranted by them; yea, Paul, writing to the Corinthians (1 Cor. xi. 22), saith, "Have ye therefore no houses to eat and drink in?" and so would have them forbearing that custom, which they had so much abused. Their custom was to keep those feasts in the place of the assembly; and he would have them (if so they would feast) keeping those feasts at home, in their own houses; and therefore this is nothing to the purpose in hand. 5. As for the "holy kiss," it was only a civil custom used then in saluting one another, and was not of any apostolical institution. Famous Voetius, *Polit. Eccles.*, p. 466, saith that "this kiss was a common rite, in its kind and form, used according to the received custom, in token of love, friendship, familiarity, as also of subjection;" and again, p. 497, "of whatsoever kind and form it was, it was nothing but a common sign of love, good-will, acquaintance, friendship, familiarity, courtesy, reverence and honour, in their meetings,



conferences, and salutations, especially in the eastern countries," see Gen. xxix. 11; xxxi. 28; xlv. 15; 1 Sam. x. 1; 2 Sam. xx. 9; Matt. xxvi. 48; Luke vii. 45. It is true Paul bids them salute one another with an holy kiss, but, when he doth so, he doth not institute the kiss, but only ordereth the manner of their using of that salutation, and exhorteth that it be not done wantonly or dissemblingly, but Christianly and holily. Voetius, *ubi supra*, saith, "By this epithet, *holy*, it is distinguished from a lustful kiss, as that Prov. vii. 13, and hypocritical, like that, Matt. xxvi. 48, 49; and it is called holy, because the kiss of holy and true charity, as 1 Pet. v. 4." And again, he saith, "it is propounded by way of a command, not general, but special, according to the particular and present circumstances of time, place, and persons."

Thus it is apparent that for all these four reasons of his, the practice of the apostles in the matter of government, being a business unto which they were called, and for which they were endued and specially assisted by the Holy Ghost, is obliging, and of binding force.

But there are some other things which he allegeth against this, part ii., cap. 6, sect. 19, which must be examined. He layeth down, as probable, "That the apostles, in probability, did not observe any one fixed course in settling the government of churches, but settled it according to the several circumstances of places and persons which they had to deal with." Though he lay not this down as a foundation of his thesis, but only as a doctrine of probability, yet, if he be able to make it out that the apostles, in some places, did settle presbyterian government, and in other places episcopal government, he shall gain his point; and therefore his strength in this particular must be tried.

To this end he layeth down three grounds: "1. The different state, condition, quantity of the churches planted by the apostles. 2. The multitude of unfixed officers which acted then with authority over the church where they were resident. 3. The different customs observed in several churches, as to their government, after the death of the apostles." As to the last of these grounds, it cannot appear to be any at all; for the practice of the churches after the days of the apostles will not prove what the practice of the churches was during the days of the apostles, nor what the practice of the apos-

ties was, unless it could certainly be manifested that these churches did punctually follow the practice of the apostles: which he will neither affirm nor undertake to prove, unless he would flatly contradict himself. As to the second ground, it cometh not up to be a sufficient ground for this position, unless he will prove that these unfixed officers or evangelists (such as Timothy and Titus were, as himself acknowledgeth) were proper bishops, that is to say, were not evangelists, but fixed officers. 2. Though the Apostle made use of them in some churches, and not in others, it will not follow that therefore the apostles did set up distinct forms and models; for the way of setting up a model is a distinct thing from the model itself: the model, or species of government, might be the same whether erected in a place immediately by the apostles themselves, or mediately by the evangelists at their direction. And, 3. Neither the apostles themselves nor the evangelists (for any thing which can be seen in Scripture) did act, in matters of government, after an episcopal manner, but conjunctly with other presbyters in churches constituted (and what extraordinary course they took in churches not yet constituted is not much to the purpose in hand, for their way of erecting a model thus, being extraordinary, is not necessarily imitable). And thus one species, namely, presbyterian, is directly pointed forth.

But most of the stress lieth on the first ground, for proving of which he layeth down two particulars: "1. That in churches consisting of a small number of believers, where there was no great probability of a great increase afterwards, one single pastor, with deacons under him, were only constituted by the apostles for the ruling of these churches. 2. In churches consisting of a multitude of believers, or where there was a probability of a great increase by preaching the gospel, the apostles did settle a college of presbyters, whose office was partly to govern the church already formed, and partly in labouring in the converting of more." As to this last particular it may be passed, because it speaketh nothing against the Presbyterians; they fully accord with him therein, save where he saith, "That these two sorts of elders mentioned, 1 Tim. v. 17, were both preaching presbyters, the one employed most in preaching, and converting more, and therefore deserved both more respect and main-

tenance, because of their greater burden, more abundant labours, and greater sufferings: and others most in ruling the flock already converted;" and so rejecteth ruling elders, as not being of divine appointment. But (that a word only may be spoken to it here) his gloss agreeth not to the place; for, 1. This gloss maketh the "ministry of the word" common to both, or else saith that such as ruled at home did not preach at all (and such the Apostle would not account worthy of double honour); but the Apostle maketh "ruling" common to both. 2. Then the main difference betwixt these two should lie in the word *κοπιῶντες*, where, as the Apostle maketh the difference to lie in the whole sentence, Labouring in word and doctrine; for he saith not, These that rule well, and are *ποροῦντες* in word and doctrine, are worthy of double honour, but especially such who are *κοπιῶντες*. 3. We find this word *κοπιῶντες* given to others, even to such as were fixed to some certain place, as 1 Thess. v. 12, *τοὺς κοπιῶντας ἐν ὑμῖν*. 4. These unfixed preachers behaved to be either evangelists, and such like extraordinary officers, or preaching presbyters, not evangelists, for there was no doubt about these, for all would grant that they were worthy of double honour; and it is like the Apostle would not have spoken so to Timothy, who was an evangelist. Not preaching presbyters, for there was none of those set apart for that end: the Scripture mentioneth no such thing, but always teacheth that presbyters were fixed to certain places (what presbyters might do, and did, when scattered abroad by reason of persecution, is another question), elders are ordained and appointed to churches, Acts xiv. 23; Tit. i. 5. But enough of this in this place.

The first particular, then, must be a little more narrowly examined. He saith, "That in some places, at first, there were none placed, but only a bishop and deacons;" and for this he citeth Clement's epistle, saying, "The apostles, preaching through countries and cities, ordained the first-fruits of such as believed, to be bishops and deacons." But by bishops here he cannot understand such bishops as are now spoken of; that is, such as had power over presbyters and churches; for himself doth abundantly clear the contrary. And what can be alleged to prove that he meaneth only one bishop in one place is not yet apparent, only

he referreth his reader to other testimonies, which must also be looked upon and examined. But it is certain the place itself speaketh as much for one deacon in a place as for one presbyter or bishop (for both are one, as himself will acknowledge), and as clearly for more bishops as for more deacons in villages or cities, *κατὰ χώρας καὶ πόλεις καθίστανον ἐπισκόπους καὶ διακόνους*, here are as well bishops in cities and villages as deacons. But then he citeth Epiphanius, *contra Alerium*, hæres. 75, saying, "That at the first there were no bishops appointed, and then the Apostle writeth to bishops and deacons (for the apostles could not settle all things at first), for there was a necessity of presbyters and deacons, for, by these two officers, all ecclesiastic offices might be performed; for where there was none found worthy to be a bishop the place remained without one, but where necessity required one, and there were some found fit, some were ordained bishops; but for want of convenient number there could be no presbyters found out, and in such places they were contented with the bishop and deacons." But what can Epiphanius, or any other writer in his time, do, as to the clearing of what was the practice of the apostles (concerning which is the present discourse)? Must their testimony be believed without a word of Scripture to warrant the same? Yea, must they be believed when they speak contrary to the word? Be it so that there was a time in which there were presbyters and deacons, and again a time in which there were bishops and deacons, what will this say, so long as nothing is said to prove that these bishops and presbyters were distinct officers, and not one and the same, as is supposed of the bishops and presbyters now under debate. All this will never prove a distinct species of government, but always one and the same, whether the presbyters be called presbyters or bishops. 3. Be it so that in some places there were only one bishop or presbyter and deacons appointed (of which there can no warrant be seen in Scripture, for Scripture saith that there were presbyters ordained *κατ' ἐκκλησίαν*, Acts xiv. 23, and *κατὰ πόλιν*, Tit. i. 5; for it was to cities whither the apostles did most resort to plant churches, and not to country villages, where Gentilism did long thereafter continue, whence those of that religion were called *Pagani*), what will this

speaking for episcopal government, so long as this one bishop could not be a bishop, properly so called, not having presbyters under him? Or doth he think that it is inconsistent with presbyterian government that one preaching presbyter be set over a parish or a village, and that he and others join with the presbyters, one or more, of a neighbour city, in things of common concernment? or must he rule in that village independently? Mr Stillingfleet will not acknowledge this, nor can he say that he can exercise episcopal power; therefore, though this were granted to him, the government may still be presbyterial. 4. How can Epiphanius say that the apostles could not settle all things at the first? If they could not do it who could do it else? Had they not the Spirit in great measure to prompt them to do what was fit and expedient? Either they could not get men fit to be bishops or a sufficient number to be presbyters. But this will suppose that at that time presbyters and bishops were distinct, which Stillingfleet will not acknowledge; and Epiphanius cannot give one instance of a bishop distinct from, and superior unto, preaching presbyters, settled in a church alone with some few deacons. The reader may see this passage more fully examined by Wallo Messalinus, p. 102, 277, &c.

The next author which he citeth is Clemens Alexandrinus, out of Eusebius, saying, "That John, after his return from Patmos, went abroad into several places, in some constituting bishops, in some setting in order whole churches, in other choosing out one among the rest, whom he set over the church." But of this the Scripture is utterly silent, and therefore it cannot be received as an undoubted thing; and what would Mr Stillingfleet gather from this? He setteth it down in the words of Wallo Messalinus, p. 225, *In majoribus urbibus plures*,—"It is probable that there were more presbyters ordained in greater towns, and fewer in lesser towns, but in villages, or little parishes, one only, especially when there was no great number of believers." And now let any judge if there can be anything gathered thence for episcopal government: and something for this end he must prove out of this passage, or he doth nothing: he must prove out of it, that the apostles, in some places, did settle presbyterian government, and in other places episcopal, otherwise he is but beating the wind;

for no asserters of presbyterian government did ever yet find themselves necessitated to maintain that the apostles did set up an equal number of presbyters in every church, or yet a plurality of preaching presbyters in each village or country place, or such as the Greeks call *κώμας* or *κωμοπόλεις*; so that, though all this were granted, his point would not yet be proved.

At length he citeth Ambrose (or rather Hilarius, in Eph. iv.), saying, *Primum enim*, &c.,—"At first all did teach, and all did baptise, at any time, or on any day; but when the church took in all places about, there were conventicles instituted, and there were governors and other offices appointed, that so none might assume to himself that office which did not appertain to him, not being as yet ordained; and therefore the writings of the apostles do not in every point agree with the ordination which now is in use in the church," &c. But how this can speak home to the point is not discernible; for the author is to give the ground why the writings of the apostles were not suitable to the times in which he lived, namely, because matters were otherwise settled in his time than in the days of the apostles; and will any hence infer that the apostles settled churches with distinct forms or models because after ages did so? Who will believe this consequence? 2. There is no mention made of any change in the apostle Paul's time; for the author mentioneth here his epistle to Timothy, which was written near to the end of his days. 3. Though there had been some change and alteration even in the apostles' days, as to the manner of going about the work of preaching and baptising (and these are all the particulars which the author mentioneth), and some order settled thereanent which had not been settled before, what will this speak to the matter of government, which is the only thing now under debate? Will it follow, that because there was a settled order condescended on in preaching and baptising, which at first was not followed, therefore the apostles, in some churches, erected presbyterian government, and in others episcopal? By what medium will this consequence be proved? 4. But how shall it be believed that things were better settled afterward than they were in the apostles' days; or that the practice of after ages is as obligatory as the practice of the apostles? It is but a dream, then, to think, that the apostles did not observe any

settled form in governing churches, but only acted according to the principles of human prudence, according to the necessities and occasions of the several churches which they had planted; for neither this author, nor any other which he hath cited to this effect, doth prove it. And though they should all say it, we were not bound to believe them, seeing the law and the testimony sheweth the contrary, as may be seen in the writings of such as plead for presbyterian government, where they show that the church of Jerusalem, Ephesus and others, were governed by the common consent of presbyters, and that the manner of the government of all gospel churches mentioned in the New Testament was uniform.

But he hath another thing to say against the practice of the apostles, namely, "That we cannot have that certainty of apostolical practice which is necessary to constitute a divine right." This notion he prosecuteth at great length, chap. 6, and, as a ground thereunto, he prefixeth, sect. 4, "That the apostles, in the forming of churches, did observe the customs of the Jewish synagogue;" and thereupon proceedeth to clear both what the government of the Jewish synagogues was, and how the form set up in the Christian church did correspond thereunto; all which concerneth the business in hand little or nothing, and therefore may be passed, seeing it is not very material to consider whether or not Jewish synagogues were so governed, and whether or not the apostles did follow that copy; for that which is now sought for, is such a government as was practised by the apostles, and instituted as the form of church government which was to continue, and such a government as had the stamp of divine authority, or of a divine institution. But now, no Jewish government, as such, could have this; but only such a government as those, by their practice, did institute, who were thereunto appointed of God, and extraordinarily called and qualified. And, moreover, if the Jewish synagogues were governed uniformly, and if the apostles did set up a government in the gospel churches in a way correspondent thereunto, it will inevitably follow that the apostles did take an uniform way in settling the government of all the churches, and this crosseth what he said of late, and confirmeth what was answered.

But, leaving this, the proposition now

under consideration is a question of fact, the certainty of which is doubted of, as he allegeth, namely, What course the apostles took in governing churches, or after what manner did they settle a government among them? The uncertainty of this matter of fact he thinketh to evince by three arguments; the last of which, namely, "The defectiveness, ambiguity, partiality and repugnancy of the records of the succeeding ages, which should inform us what apostolical practice was," (which he prosecuteth largely and satisfactorily, from sect. 16 to sect. 19) may be passed, as, concerning the business in hand, nothing, as to Presbyterians; for if they be not able to prove the practice of the apostles out of the sacred writ, they despair as much as he can do of proving the same from human records, and that for the same reasons which he there giveth. But as for the other two reasons or grounds, they must be examined.

The first, then, is this, "The equivalency of the names, and the doubtfulness of their signification, by which this form should be determined. Now there is a fourfold equivalency of names, *bishop* and *presbyter*: 1. That both should signify a presbyter, as, Theodore, in 1 Tim. iii. 1; 2. That both should signify a bishop; 3. That both should signify promiscuously, sometime a bishop, and sometime a presbyter; and, 4. That the name *bishop* always imports a singular bishop, but the name *presbyter* doth promiscuously signify both. Equivocal words can never of themselves determine what sense they are to be taken in; all that can be inferred from the promiscuous sense of the words is, that they may be understood only in this sense; but it must be proved that they can be understood in no other sense before any one particular form of government, as necessary, can be inferred from the use of them."

*Ans.* 1. This is a ready way to cast all Scripture as unable to determine any controversy; for, if adversaries may be believed, all these passages which are made use of against them do carry another sense, and must be otherwise interpreted; and so all Scripture must go under the name of equivocal sentences, and must be laid aside. 2. Presbyterians do not lay the stress of their business upon the name; they have other things whereby to prove their point than either the one name or the other; and so this doth not concern them much. 3. The ques-

tion betwixt Presbyterians and their adversaries is this, Whether there be such an officer as a prelate, having superiority of jurisdiction over presbyters and people, and sole power of ordination, instituted by Christ, or not; and not whether these two words signify one thing or another; for it is granted by all the episcopal party (except one, who, in his *Annot. on Acts xi.*, saith, "That there is no evidence whereby these inferior presbyters may appear to have been brought into the church so early") that there were presbyters ordained in the apostles' days; and all the question is concerning bishops, as distinct from presbyters, whether or not they were ordained. And presbyterian divines do demonstrate, that even in those places where the name bishop is, no such officer can be understood. As to that which some fathers say, who, in writing some centuries of years after the apostles' days, and speaking of the state of the church in the apostles' days, after the form and manner in their times, concerning the promiscuous use of the two names, it doth no way wrong the cause in hand, until it be proved that there was indeed such an officer *in rerum natura*; and this is not yet done. 4. Whatever these names may signify is not very material, but what, indeed, they do signify in such and such places. And if there was not such an officer, in the days of the apostles, as a bishop distinct from a presbyter (as shall be supposed, until it be better proved than yet it is), it will necessarily follow that both these names must signify one and the same thing, one and the same officer, namely, a presbyter. 5. To say that both these names are promiscuously used, sometimes for a bishop and sometimes for a presbyter, if these two be distinct officers, is to lay a blot on the Spirit of God speaking in the Scriptures, for by what rule shall it be known when he is speaking of the one, and when he is speaking of the other? And in what a mist and labyrinth must all be left, in this business, especially when the main difficulty touching the being of one of these officers is not removed. 6. But, to put an end to this, let these few things be considered by Mr Stillingfleet: 1. Is it probable that Christ, or his apostles, would institute a new and distinct officer, and an officer who was to continue unto the end of the world as an ordinary and necessary officer, and yet give him no peculiar proper name by which he might be known, and every one might know

when he were spoken of, especially seeing all the other officers in Christ's house, both ordinary and extraordinary, have their own distinct names whereby they are known and distinguished from others? 2. Where will Mr Stillingfleet show that an inferior officer was styled and called by the name properly belonging unto a superior officer? Where will he find a deacon styled a presbyter, apostle, prophet, or evangelist? Where will he find a presbyter styled an apostle or evangelist (taking these names, as restricted, to be peculiar names of two extraordinary officers, and not in their general acceptation, as 2 Cor. viii. 23; Phil. ii. 25)? How can it be, then, that a presbyter was called a bishop, if there was a superior church officer going under that name as proper and peculiar to him? 3. Is it not strange that in all the places of Scripture, where there is mention made of this bishop, it cannot be clearly demonstrated that any other church officer is or can be understood than a presbyter? As to Phil. i. 1, it is beyond all denial; and as to Tit. vii.; Acts xx. 28, there the bishops are expressly called presbyters; and 1 Tim. iii. 1, 2, is the very parallel of Tit. i. 7. In both which places the work mentioned, and qualifications, are only the work and qualifications of a presbyter. 4. What mark will Mr Stillingfleet give to know when the Spirit of God, mentioning bishops, is to be understood of mere presbyters, and when he is to be understood as speaking of bishops distinct from presbyters? for neither the name, nor the work, nor the qualifications will point out this distinction of officers, or direct us which of the two to understand. 5. Let Mr Stillingfleet say whether it be not safer to conclude an identity of offices from the identity of names, qualifications, and work, than to conclude a distinction where there is no ground for a distinction, appearing in apostolic times. 6. Had Mr Stillingfleet once proved that there was such an officer as a bishop, distinct from and superior to preaching presbyters, instituted by the apostles in any of the gospel churches, then this notion touching the promiscuous use of the two names had said something; but seeing that is not done, both these names must signify and import one and the same officer; and so these two names shall be synonymous and not equivocal.

The second thing which he allegeth is this: "The places most in controversy about the form of government may be understood

without any apparent incongruity of either of the different forms." *Ans.* It is certain they cannot be understood of both, only the question is, of which of the two they must be understood. And all this which he saith will not much advantage his cause; for hence he can only conclude, that there is a difficulty to find out the species of government which these places speak to, but not that there is a liberty granted to own either of the two, because it is not well known which of the two the places cited do most favour. He is pleased to name some few passages, and these none of the clearest, for the presbyterian cause. But, to pass this piece of unfair dealing, the passages which he mentioneth shall be examined, and then some others shall be adduced, to which his answers will not so well suit.

The first passage which he citeth is Acts xi. 30, "Which (saith he) may either be understood of the elders of the church at Jerusalem, or of the several bishops of the churches of Judea." *Ans.* Is it credible that learned Mr Stillingfleet could satisfy himself with this answer? Doth he verily think that these elders were or could be bishops? If so, what were these churches over which they were set? Could Jerusalem want a bishop when the other lesser churches of Judea had? If Jerusalem had also a bishop, who was he? He will not say that James was bishop there; for James was an apostle, and so far above an ordinary bishop. Where findeth he the name presbyter in all the New Testament taken for a bishop distinct from a presbyter? Or where findeth he a company of presbyters taken for a company of bishops? Is it not also strange, that where there were so many bishops there should not one of them be designated by name. 2. What though there should be nothing in the place (and what wonder, when liberty is taken to put such glosses upon it as cannot be confirmed by any other like passage) that expressly excludeth the one? is not this enough, that there is nothing in all the Scripture speaking for that one, nor anything in that passage expressly for it? If there be no passage clearing that bishops were instituted by Christ or his apostles, every passage which speaketh of the government of the church by presbyters excludeth bishops, if it do not expressly and directly include them, as this passage doth not. But, 3. Look the context, and this will be cleared: It was the church of Jerusalem that

sent Barnabas thither to Antioch, ver. 22; and Agabus the prophet, who did foretel of the famine, was come also from Jerusalem, ver. 27; and so it was to the church of Jerusalem that Barnabas was sent back again with this contribution, because this was the chief church where were many Christians; and there are few plantations beside found as yet in Judea that could make up bishoprics.

The next passage he citeth is more considerable, Acts xv. 6, "Where (he saith) nothing is expressed to make us know whether these were the fixed elders of that church, or the bishops of all the churches of Judea." *Ans.* What was said to the last may be replied to this also; and, further, it was the elders of that church unto which Paul and Barnabas were sent, ver. 2, and this was the church of Jerusalem,—“that they should go up to Jerusalem to the apostles and elders.” 2. When they came to Jerusalem they found the apostles and elders there present. What could the bishops of all Judea be doing there at that time? If it be said that they came together upon this solemn occasion, how did they know of it occasion? for the apostles knew not of it themselves till the commissioners from Antioch told them, ver. 5, that there were certain of the sect of the Pharisees arisen which believed, saying, that it was needful to be circumcised, &c.; and then, ver. 6, “The apostles and elders came together for to consider of this matter.” He who can imagine that these elders were the bishops of the several dioceses of Judea may easily cast by the plainest and fullest passages of Scripture that can be, and may imagine what he pleaseth. But, to put a close to this, let that passage, Acts xvi. 4, be considered, where it is said, They delivered them the decrees to be kept which were ordained by the apostles, *καὶ τῶν πρεσβυτέρων τῶν ἐν Ἱερουσαλὴμ*, and elders in Jerusalem, or who belonged to the church of Jerusalem, or stayed there.

The third passage is Acts xxi. 11, of which he giveth the same dubious sense, upon as little ground as before, and his conjectures may receive the same answers: only where he says, “They might be the elders of the several churches of Judea,” he seemeth to prevaricate; for the point of difference is not betwixt elders and elders, but betwixt elders and bishops, and betwixt the elders of that particular church of Jerusa-

lem and the several bishops of the dioceses of Judea. But it seemeth he blushed to name this once, and therefore thought it best to put in elders; but this was not fair dealing. Neither is his conclusion fair, when he saith, "There is no certainty of the church of Jerusalem, how that was governed, whether by apostles themselves, or other unfixed elders, or only by James, who exercised his apostleship most there, and thence is afterward called bishop of Jerusalem;" for the question is not whether the church of Jerusalem was governed by all the apostles, or only by one, but whether by presbyters in common, or by one bishop above and distinct from presbyters. And by this conclusion, he would seem to say that there were no elders in Jerusalem at all, and no governors there but apostles, one or more. Moreover, it is sufficiently proved by the presbyterian divines, that the apostles, when acting in government together with other elders or officers, did not act as apostles, but as ordinary officers; and also that James did not govern the church of Jerusalem alone as a bishop.

The fourth passage which he citeth is Acts xiv. 23, upon which he saith, "That no more is imported but that no church wanted an elder, but not that every church had more elders." *Ans.* Whether was this single presbyter a prelate or not? If not, what is this to the present question? The government may be presbyterial where one minister is fixed to one particular flock; if he was a prelate, where were his presbyters under him? 2. It is true *κατ' ἐκκλησίαν* will signify no more but *ecclesiastim*, church and church, but will *πρεσβυτέρους* signify no more but one presbyter? Had it been said *πρεσβυτέρους κατ' ἐκκλησίας*, it might import but one presbyter in one church; or yet if it had been said *πρεσβυτέρον κατ' ἐκκλησίαν*, but *πρεσβυτέρους κατ' ἐκκλησίαν* must needs import more. Theodoret knew the import and force of that phrase when he rendereth the like passage in Titus thus, *ἵνα κατέστησεν ἐν αὐτῇ πόλιν πρεσβυτέριον*,—a presbytery in each city.

The last passage which he citeth is Acts xx. 17, "There is no certainty (saith he) whether these elders came only from Ephesus, or also from the several churches of Asia about." *Ans.* Upon what ground can he once think that the elders of Asia may be understood here? He hath none other but this, that it is said, ver. 18, "That from the

first day he came into Asia he had been with them at all seasons;" and because he did not remain all that time at Ephesus, as appeareth Acts xix. 20, 22, 26. But this cannot so much as ground a probability; for it is certain the most part of his abode was at Ephesus, for full two years and three months are specified, Acts xix. 8, 10, and the rest of the three years (if there be not *rotundatio numeri* here) he might now and then have visited other parts, and have most of his residence at Ephesus, neither teaching in the synagogue nor in the school of Tyrannus, where he had taught two years and three months. And so, granting that he might have made some visits unto the other parts of Asia during these ninth months, yet he might well say to those of Ephesus, "That from his first coming into Asia they had known after what manner he had been with them." Again, It will not hence follow that others than those of Ephesus were there, more than from these words, ver. 25, "Ye all, among whom I have gone preaching the kingdom of God;" it will follow that all the people he had preached unto, both in Ephesus and in other places of Asia Minor and Asia Proper, were present. But whom can we expect to have been there, except such only who were sent for, namely, the elders of the church of Ephesus? And therefore they are called the "elders of the church," and not "the elders of the churches," as they would have been called if the elders of the churches had been there present; as we hear of the churches of Judea, Galilee and Samaria, Acts ix. 31; and of the churches of Galatia, Gal. i. 2; churches of Asia, 1 Cor. xvi. 19; of Macedonia, 2 Cor. viii. 1, and of Syria and Cilicia, Acts xv. 41: so would we hear of the elders of the churches of Asia. But there is no such thing, only there is mention made of the elders of that one church *τῆς ἐκκλησίας*. To conclude this: Himself saith, cap. 7, sect. 2, p. 349, "That this flock and church were the Christians of Ephesus, and that all those spoken to were such as had a pastoral charge of this one flock."

Thus it hath been shown how weak the ground is upon which Mr Stillingfleet walketh, and how little reason he hath to conclude his notion from these passages which he hath mentioned; and, further, the groundlessness of his conceit will appear if some two or three passages of Scripture be but viewed, which he hath passed by without once noticing, and unto which the answers which he

was pleased to give to others will not quadrate, as, 1. That place, 1 Cor. v. If any look through that epistle they shall easily see that there were many preaching presbyters in that one church, and here, cap. 5, they are about a work of excommunication, and so are endued with episcopal power. In this chapter the Apostle speaketh to them all along in the plural number, and Mr Stillingfleet, who is no friend to the independent way, will easily acknowledge that what is there said was spoken to the church governors. So then Mr Stillingfleet must say that these governors were presbyters of that one church, ruling it together *communi consilio*; and that they cannot so well be understood of bishops, for one church should have but one bishop. So, then, here is a place which cannot be understood alike of both, but must of necessity be understood of a presbytery, and of a presbytery having full episcopal power in the matter of jurisdiction. What Mr Stillingfleet will reply to this can hardly be conjectured. A second passage is Phil. i. 1, where mention is made of bishops and deacons. Now these bishops could not be bishops properly so called in opposition to and as distinct from preaching presbyters; because of such bishops there can be but one in one church at once, and therefore they behaved to be presbyters endued with episcopal power, having the thing as well as the name, and presbyters of that one church. So that this passage cannot be equally understood of both with any show of reason. A third passage is 1 Thess. v. 12—14, where there are some mentioned who were labouring among the people, and were over them in the Lord, and these were to warn the unruly, &c. So that in this one church there were several presbyters, and presbyters endued with power of warning the unruly. Mr Stillingfleet cannot imagine any colourable pretence whereby, without much apparent incongruity, this passage may be understood of either of the different forms. And, seeing this ground faileth here, we may, for all which he hath said to the contrary, arrive to such an absolute certainty of that course which the apostles took in settling churches. So much for this observation.

*Obs.* 6. It may be observed, that Presbyterians have more than the practice of the apostles, even their positive institutions, in these few particulars: 1. In ordaining and instituting such and such officers, as pastors, doctors, elders and deacons, as may be seen,

Rom. xii. 6—8; 1 Cor. xii. 28; Eph. iv. 11, 12; in all which places there is no mention made of a bishop distinct from a preaching presbyter. If Mr Stillingfleet say, according to his principles, that there was no necessity of making mention of him particularly, because he is no distinct officer from a presbyter, but only empowered by the rest as their commissioner,—beside what hath been replied to this formerly this may be added here: that if this be truth which Mr Stillingfleet affirmeth, he hath wasted much paper and pains in vain, when he went about to prove that no certainty of the practice of the apostles could be come at, whether they did set up episcopal or presbyterian government; for these should not be two distinct governments; and he had a shorter cut for answering all the places of Scripture than the way was which he took; yea, he might have spared his whole book, and given out this one thesis for all, namely, "Though presbyterian government be *juris divini*, yet the presbyters may lawfully entrust one of their number with some special piece of the exercise of jurisdiction and ordination;" and then he might have had more to say upon the ground of prudence or the like, for himself than now he hath. But it is not good to be wise above what is written, and it is best wisdom and prudence to follow the rule of the word. But, moreover, 2. They have the Apostle's institutions concerning the qualifications of these officers, as is to be seen in Paul's epistles to Timothy and Titus. 3. These officers are commanded to such and such pieces of work; some to rule, some to teach, also some to take care of the poor. 4. These officers are commanded to attend that work of theirs with all diligence, in their own proper persons, without rolling it over on others, Rom. xii. 6—8: the minister is to wait on his ministry, and he that teacheth on teaching, he that giveth is to do it with simplicity, and he that ruleth is to rule with diligence. 5. In matters of discipline and jurisdiction they are commanded to act jointly; for the officers of the church of Corinth were appointed to convene together that they might deliver the incestuous person unto Satan, 1 Cor. v. 4, 5: so the brethren, the officers of the church of Thessalonica, were exhorted to warn the unruly. Now, lay all these together: such and such officers set to such and such work, and appointed to attend the same, and ordained to act jointly in matters of go-



vernment, and there is a species of government, and a species warranted by divine institution, namely, by apostolic commands; for these positive commands are of a lasting nature till God repeal them again. Himself giveth some *σημεία, marks*, whereby to know when positive laws bind immutably, the first whereof, mentioned part 1, cap. 1, sect. 6, and part 2, cap. 2, sect. 2, is useful here, namely, "When the same reason of the command continueth still." Now let Mr Stillingfleet show, if he can, what reason could plead for ministers acting collegiately in matters of discipline then which will not be of force now. Was there less of the Spirit then than now? Or was there fewer able and fit men to be bishops then than now? Or was there less care to have things done orderly and exactly? Or shall we say that all these commands were for that age of the church only? If so, there is an easy way found to cast all the commands and injunctions of the apostles, though they were endowed with the Spirit. Shall it be thought that the command given to the church officers of Corinth to convene and to excommunicate did bind them only, and at that time? If so, there should be a wide door opened to much evil, and a way prepared for laying aside all the injunctions and instructions of the apostles as now useless, and as an almanack out of date. Enough of this consideration.

*Obs. 7.* It would seem to be a great reflection upon Jesus Christ, who was faithful to him that appointed him, and that as a son, and so beyond Moses, who was faithful as a servant, Heb. ii. 2, 5, 6, to say that he hath not appointed a standing form of government in his house. Mr Stillingfleet replieth, part 2, cap. 4, sect. 1: 1. "That then it must be made appear that the settling of this form was a part of his mediatory work." *Ans.* This may easily be made to appear; for it did belong to his kingly office, and so was a part of his mediatory work, as well as his instituting of officers in his house, and, as Mediator, the government is laid on his shoulders, Isa. ix. 6; and all power in heaven and earth was given to him, Matt. xxviii. 18. He addeth, "I grant he is king of the church, and doth govern it outwardly by his laws, and inwardly by his Spirit, but shall we say that, therefore, any one form of government is necessary which is neither contained in his laws nor dictated by his Spirit?" *Ans.* No,

not at all; for the government which Presbyterians do account necessary is both contained in his laws, and dictated by his Spirit, as is shown; and they reject all other forms, only because they are not contained in his laws, nor dictated by his Spirit. He replieth, 2. "That if this correspondency hold, the church of Christ must be equally bound to all circumstances of worship."

*Ans.* The Christian liberty wherewith Christ hath made us free should not be abridged in the least, nor should this correspondency be pressed so exactly and straitly as to make it bleed; and yet there is no necessity to grant that in nothing the correspondency will hold. It is true, as to the circumstances of actions, much is left to Christian liberty now, and so under the law, in several things, much was left to the liberty of the Jews; but to say that the model of government should come in among circumstances is to speak without any proof or sure ground, especially when the change of the model will be the bringing in of a new officer, which himself will not grant to be a thing left to Christian liberty. He replieth, 3. "That there is such a disparity betwixt the gospel and Jewish state as will weaken the argument." *Ans.* Of these disparities he nameth four, the first whereof is the same with that which went before, namely, our Christian freedom from ceremonies and the like. But will it hence follow that Christians now must be at liberty to choose what form of government they will, popish, prelatical, Erastian, independent, Morellian, or presbyterian? Must they be at liberty to choose what officers they will; or must they be left at liberty to cut out their work to them? It is good to stand fast in the liberty wherewith Christ hath made us free, but it is not good to turn that liberty unto licentiousness, and to extend it beyond the due bounds. Mr Stillingfleet would do well to have a care of the first-day sabbath, lest he let the morality of that pass with the morality of church government, *in specie*; for his grounds will lead him forth equally against both.

The second difference is this, "That the government of the tribe of Levi was agreeable to the rest of the tribes, and therefore, if the argument hold, Christ must prescribe a civil government." *Ans.* Whether the government of the tribe of Levi was so or not is not very material, for this is certain: Moses was faithful in the house of God, or-

dering all things according to the will of God; so must Christ be in his own house and church, ordering all things there according to God's mind. It is not the government of the state, but the government of Christ's house which is looked after. But, 2. Had the church under the law no government? Where was their priests and their Levites then? And where was their sanhedrim, lesser and greater? Sure this was distinct from the government of other tribes; yea, even from the government of the tribe of Levi, as it was a part of the state; and, as a church, they had other officers than the state had.

His third difference is, "That the Jews were a whole and entire people when one set form of government was prescribed them, but the church of Christ was but in forming in the days of Christ and the apostles, and therefore one could not serve it then and now when whole nations are converted: a pastor and deacons might serve a city when converts are few, but cannot when increased to many congregations." *Ans.* This will plead for a necessity of multiplying officers of the same kind, conform to the multitude of believers, but will not evince a necessity of having new officers. It will plead for the enlarging of the same species of government, but not for the bringing in of a new species: though the garment cut out for one in his infancy will not serve him when grown in years, yet a garment of the same kind of cloth will serve. 2. It is strange, that when the church was small she behoved to be ruled by a company of presbyters, but now, when she is grown large, one bishop will suffice. One would think that if the government had been episcopal then, it should be presbyterian now; for the larger the church is she requireth the more governors. 3. There is mention made of the churches of Judea, Galatia, Asia, Syria, and Cilicia, and so of many large countries and territories converted unto the faith, and why might there not such a model of government be fallen upon in those large countries as would suit whole kingdoms? 4. It is sufficiently known that presbyterian government will suit all churches, be they lesser, be they larger: were there but one congregation of believers in a country, presbyterian government will fit that little church; and, again, were there great kingdoms and nations converted, the same government would suit them, and most certainly attain the end for which

it was appointed. 5. If the form of church government which Moses did appoint, did suit the Jews, both when they were in the wilderness walking as an army, and when they were settled in the land of Canaan in a formal and complete kingdom, and where their number was multiplied, and when they were under various sorts of civil government, sometimes under judges, and sometimes under kings, shall Christ be less faithful and not appoint such a gospel government as will suit a greater church as well as a lesser, and suit the church under whatsoever kind of civil government she may be?

His fourth difference is almost the same with the second, for it is this, "The Jews lived under one civil government, but Christians under divers forms; and then, as church government at the first was formed according to the civil government, so should it now." *Ans.* That the Jewish church government was of the same kind with the civil government is not yet proved, and it cannot be yielded without probation. 2. The parallel betwixt Christ and Moses lieth not in this, that both did follow one immediate copy, but in this, that both did institute a government according to God's will, and such a government as he would have set up in the church, and to continue in the church, so long as that polity should stand; that is to say, as Moses did appoint a government which should unalterably endure so long as the temple, the typical and dark dispensation, should stand, so Christ should appoint a form which should unalterably endure so long as the new dispensation should last; that is, until the end of the world; for Christians look for no other change. 3. One and the same form of church government will suit all churches now in all time coming, under whatsoever kind of civil government they be, as hath been already said.

*Obs.* 8. Mr Stillingfleet is not well pleased with such as lay any weight upon the former ground mentioned, namely, Christ's being obliged thereunto by his office as Mediator, and King and Lord of his house, and would have them rather proving that Christ hath determined a form of government than that he ought so to have done; therefore we shall show that Christ hath so done indeed. And what the apostles did at his command, or by virtue of the commission he gave unto them, will easily be granted to be equivalent. But to pass this, Christ himself hath laid down

the main ground and foundation of a species of government in Matt. xviii. 15—17; for there he is setting down a course for the removing of scandals that will fall out among his disciples and followers, and ordering the matter, so that when private means will not gain the offending brother, more public means must be used, and he must be brought unto the church judicature; and that church judicature hath power to excommunicate him, if so be he hear them not as to the removing of the scandal. It is true many endeavour to press these words for their own use, but it will not hence follow that therefore these words are incompetent to determine any one form; for if this ground be relevant, much of the Scriptures should become incompetent to determine matters of faith and doctrine, because several parties labour to wrest the same to their own judgment. It would be tedious here to examine the claims of all parties unto this place, and the present work is only to deal with Mr Stillingfleet, and, therefore, only his notions concerning this place must be examined.

Concerning this place, then, he giveth his judgment, part 2, cap. 5, sect. 8; and first he taketh the trespasses mentioned to be matters of private offence and injury, and not matters of scandal, and his grounds are these: 1. "The parallel place, Luke xvii. 3, is to be understood of private injuries; because it is in the power of each private person to forgive them." *Ans.* So said Erastus before him; but, after narrow search, it will be found that the forgiving mentioned in the text, Matt. xviii., is a desisting from any further prosecution of the business, and a forgiving which must not be granted until the brother be gained. But whether the offending brother be gained or not, all private injuries must be forgiven him, and none must keep up a spirit of revenge against him; and therefore those trespasses must be matters of scandal, which, unless the offending brother be gained, must be prosecuted until the yondmost step be used. 2. He saith, "It appears from the next words of Peter, ver. 20." This is another of Erastus's shifts; but, for answer: It will not appear till Mr Stillingfleet first clear that there is such a connection betwixt these verses as will undoubtedly demonstrate that one purpose is to be understood in both. But commentators show the matter to be otherwise, and, indeed, there is nothing that can so much as ground a probability of such a connection

here unless it be these words, "Then came Peter to him;" but whosoever shall look on Luke viii. 19, shall have the like, thus, "Then came to him his mother," &c.; and yet this was not immediately after what was said before, as will appear when compared with other evangelists. And so, since it is not certain that this was immediately after the former purpose, no reason can be given to evince the identity of these purposes. 3. He saith, "If it were meant of any scandalous sin, it might so fall out that matters of scandal should be brought before the church when only one person knows it."

*Ans.* It is not said that every such scandal or trespass, whereof only one is conscious, should be brought in public, but that more notorious scandals ought to be brought before church judicatures, when more private admonitions will not gain the offender. But, 2. This inconvenience will recur upon himself in the case of private offences.

But, next, as to the word *church*, he says, "It is a select company called together to hear the whole cause, and this was agreeable to the Jewish practice, *pudfacere coram multis: et delictum publicare*; and to this the Apostle alludeth, 2 Cor. ii. 6, and this is the reproof before all, 1 Tim. v. 20." *Ans.* 1. The word *church* is not usually so taken in the New Testament, and the Hebrew words קהל and עדה, in the Old Testament, do always import a company embodied in a stated way, as a fixed congregation, either for government or worship. Mr Leigh, in his *Critica Sacra*, saith, that among the Grecians, and chiefly the Athenians, from whom it came, it was used for a multitude called together by the command of a magistrate. 2. Christ saith, "Tell the church," εἰπε τῇ ἐκκλησίᾳ, and so directeth them to a fixed standing company. 3. That *pudfacere coram multis* being the same with 2 Cor. ii. 6, the censure of many, confirmeth this; for that censure was by a church judicature, convened in the name of the Lord Jesus, to take course with a scandalous person, 1 Cor. v. Again, 4. No commentator taketh the words so: only Grotius and other Erastians put such a gloss upon them. 5. Christ's scope is to have the offending brother gained, and not to have matters of fact which are questionable cleared. 6. If this be the meaning of the word *church*, what shall be the sense and meaning of these words, "Let him be unto thee as an heathen man and a publi-

can"? He answereth, "The meaning is, Look upon him as an obstinate refractory creature, and meddle no more with him than with an heathen and a publican." And is this all the punishment which the offender must meet with? Who gave private men this power to pass such a sentence? But, 2. This must be a church sentence, because it is added, "Whatsoever you shall bind on earth shall be bound in heaven," &c. To this he replieth, "That the meaning is, It is an evidence that his sin is bound upon him, and that he is liable to punishment." But how is his sin bound upon him, or how is he made liable to punishment? There must be something done on earth which God must ratify in heaven, and on earth there is none to do anything, but either the pursuer himself or the select company. It cannot be the pursuer, for that were a dreadful and intolerable slavery, to subject every man to the lust of his enemy and pursuer: if it be the select company, how or whence have they this power? If they be clothed with authority, then are they a judicature, and this is the thing pleaded for. And thus it appeareth that scandals are here understood, and that this church is a church judicature notwithstanding of all which Mr Stillingfleet hath said to the contrary, which is but the very same which others had said before him, and which was sufficiently answered by worthy and learned Mr Gillespie in his *Aaron's Rod Blossoming*, though he will not so much as once take notice of his replies. The ancients did so understand the place, particularly Origen, *Tract. 6, in Matt.*

But that it may be cleared how there is a foundation here laid down for a way of removing of scandals by church officers, in *communi*, associated together in a judicature, and so how there is a way laid down for presbyterian government, let those particulars be considered: 1. From the beginning of the chapter the Lord is speaking of scandals, and first of scandals given, as is clear, ver. 6, 8, 9; and, after he hath used some arguments to press his followers to beware of that evil, he cometh, ver. 15, with an *ἐὰν δὲ* (which may be rendered *but if thy brother*) to another case, about the same purpose or head, namely, to clear this question, What shall be a Christian's carriage when his neighbour stumbleth or offendeth him, by his unchristian carriage in his ordinary walk. So Calvin, Aretius and

others; and so he is speaking of real scandals, for, (1.) They are brethren, or church members, with whom this course must be taken; (2.) The offending brother is to be rebuked, or convinced of his fault: *ἐλέγχειν* importeth such a convincing as is for sin, John viii. 9, 46; and so the LXX. use it, Lev. xix. 17, where sins and scandals are spoken of; (3.) He says, "If he hear thee," and not "if he repay thee the wrong he hath done," or "if he be reconciled;" (4.) Then he is *gained*. Now *κερδαίνειν* (as Stillingfleet himself confesseth) is used for conversion and turning others from sin, 1 Cor. ix. 19; 1 Pet. iii. 1, compared with James v. 20. Hence, 2. It would be considered that the Christian's scope in this business should be to gain the man's soul, and, for this cause, he is to assay all calm, peaceable, gaining, and private means, to bring the offending brother to conviction and acknowledgment of his fault; and so first speak to him alone, and then take some others with him to be witness both of his Christian carriage towards him, in desiring to have him gained, and of his unwillingness to be gained, that so they may bear witness of both unto the church judicature. 3. When private means do not work he is to be delated unto the church judicature; for the person offended must tell the church. What church? He must tell that church unto which the witnesses will be useful, and that is a judicature; for to that witnesses have a relation: that church which is able to convince, if any do it; that church whose sentence is the last remedy; that church which hath power to bind and loose, with a promise of the ratification of what they do in heaven; that church which hath the keys, Matt. xvi., and power authoritatively to pardon and retain sins, John xx. 23; that church which hath power to pronounce that sentence after which the man is to be looked upon as an heathen and a publican. 4. And when this church judicature cannot get him convinced, they must pass a sentence upon him, and this sentence is the sentence of excommunication, as learned Mr Gillespie hath abundantly showed, *Aaron's Rod*, book 3, chap. 2, 3. Hence it is clear, 5. That here is set down the way of taking away church scandals, by inflicting church censures; and this, by Christ's appointment, is not to be done by any one person, but by the church officers in *communi*, collegiately; for it was never heard of to this day, either in sacred or pro-

fane writings, that one man was called a church or ἐκκλησία. And this is a good basis for government, yea, and for presbyterian government, or the government of the church *communi consilio presbyterorum*; and here there is not only a foundation for gradual appeals (as himself confesseth here, though, part. 2, cap. ult., sect. 8, he would say that Presbyterians found their subordination of courts upon the principles of human prudence), for church censures, and for the lawful use of excommunication, as he confesseth also, but also for the species or model of government, or for the manner of the constitution of the judicatures which should excommunicate and take notice of church scandals; for it is called *the church*, and so cannot be meant of a prelate, who is nowhere so called, and yet arrogateth to himself all the power of jurisdiction.

But Mr Stillingfleet hath two arguments whereby he endeavoureth to prove that Christ did never intend to institute any one form of government in the church, part 2, cap. 4, sect. 4—8, &c.

This is a great undertaking, and his arguments must needs be very strong; but whether so or not the reader may judge.

The sum of the first is this, "If there be any such institution of Christ's as a standing law, it must either be expressed in direct terms, which cannot here be shown, or deduced by a necessary consequence,—and no consequences can make new institutions, but only apply one to particular cases; and then the obligation of what is drawn by a necessary consequence, must be expressed in Scripture." *Ans.* It hath been shown that the practice of the apostles was for a form of government, and, from their practice, a law may, by necessary consequence, be drawn, considering their place and office,—how they were sent forth to plant churches, and to set up officers, and to appoint unto each of them their proper work, &c.; and, for this cause, were endowed with extraordinary qualifications and assistance, confirming their commission by many signs and wonders: and this carrieth an obligation in its bosom. There hath been shown also a standing law of Christ's, from which a form of government may be deduced; a standing law about the removing of scandals, which will found a species of government by church officers in common, as well as appeals, church censures, and excommunication; and from thence there is

an obligation for the one as well as for the rest. 2. But if all this will not satisfy, let Mr Stillingfleet satisfy himself with the standing obligation of the morality of the first-day sabbath, and he shall, withal, satisfy himself as to the standing obligation of the morality of a species of church government. He can produce no law for the first-day sabbath, but a law deduced by necessary consequence (without any obligation expressed in Scripture concerning that which is so drawn by consequence), and if this be enough in the case of the first-day sabbath, why not also in the case of government? If he say, in the business of the Lord's day, there was only an application of an institution to a particular case, it is answered, So is it in the matter of church government; for there was a law for a government *in genere*, and this law, drawn by consequence from the practice of the apostles and primitive church, is but an application of that general to a particular species of government.

His second argument is this, "All the standing laws respecting church government are equally applicable to several forms." *Ans.* Are they applicable to the hierarchy, to Erastianism, to Independency, and to Morellianism; or only to Presbytery and Prelacy? If only to these two, then all other forms but one of these two are utterly excluded, and there is no more liberty left, save to make choice of one of these. But what if this ground of his shall not hold? He referreth all the laws to these three heads: The first head is, "The qualifications of the persons for the office of government;" and so citeth 1 Tim. iii. 1—8; Tit. i. 5—10. *Ans.* And may it not be said, using his own words, *mutatis mutandis*, that all these, and the rest, are equally required, as necessary in a pope, in a patriarch, &c., as well as in a bishop or presbyter; yea, every one may invent a number of new officers, and defend them with this, that all these qualifications agree to them. The second head is, "The precepts requiring a right management of the work;" and citeth Acts xx. 28; 2 Tim. iv. 2; ii. 2; 1 Tim. v. 19, 21, 22; Heb. xiii. 17; Tit. i. 5; and addeth, "There is no precept in all these epistles to Timothy and Titus prescribing whether they should act solely, or only as *consul in senatu*." *Ans.* But if the precepts be such, and require such a management and such work as cannot, with any possibility, in any tolerable manner, be obeyed and performed by officers under such a

form, then it cannot be left to the will of men to set up such a form; and so is the case here,—the precepts are not applicable unto prelates. Is one man able to exhort, reprove and watch over a whole diocese himself, seeing he, in all probability, shall never see their faces? (And as for delegation of church power, Mr Stillingfleet himself saith, part. 2, cap. ult., sect. 8, p. 414, That there is not the least footstep of it either in Scripture or antiquity). Is it possible that one man can, in any tolerable manner, obey these commands, and watch over such a number, over which two or three hundred ministers could not get well watched? God layeth not utter impossibilities on his officers. So then, seeing these precepts are not applicable unto any other form than presbyterial, his argument falleth to the ground; seeing it is not imaginable that one man can rule such a numerous people, and watch over them by discipline, over whom fifteen or sixteen presbyteries, each of them consisting of fifteen or sixteen ministers, and as many ruling elders (besides the competent number of ruling elders which each particular congregation had) were set, and had all work enough, and more than they could well overtake. But, 2. What will he do with that command, 1 Cor. v., given to the elders of that church to convene together for an act of discipline? Doth not that command concern gospel churches now as much as any of these precepts in the epistles to Timothy or Titus? And how is it imaginable that it can be applicable unto one man? Sure, then, this command is not equally applicable to both forms; for a precept given to a collegiate body to meet together is not applicable to one single person. The third head is "general rules, such as these, That none preach without a call, Heb. v. 2; Rom. x. 14; that offenders be censured, that complaints be made to the church in case of scandal, that all be done decently, in order, and to edification." *Ans.* Well, then, if it be a standing rule that complaints be made to the church, it is a standing rule that there should be a fixed church to receive these complaints: and all the question is, whether this fixed church which can take notice of complaints, and inflict church censures, and excommunicate, can as well be understood of a prelate as of a body of church officers incorporated? And if Mr Stillingfleet can be able to show that the word ἐκκλησία is or may be taken for one single person, then his notion will be more

able to stand; but if not, of necessity it must fall to the ground.

*Obs. 9.* It is worth the considering how weighty a business the matter of the government of the church is, and of what great consequence it is to have it modelled aright; for experience hath made it appear how much more effectual, for keeping of the church of Christ pure from error and heresy, and for bearing down of profanity, and for promoting of the work of godliness in power, one species or form is than another. And this may speak very much for the Lord's keeping that in his own hand, and not leaving it unto any prince or pastor, to determine what shall be the species of government; especially considering with what biasses and by-respects the most of men are ready to be carried, and how ready all are to model church government so as may most suit their own ends, and serve most to make them great in a world. And hence it hath been seen, that when men leave the simplicity of the gospel, and the pattern there set down, they run wild, and never once consult the edification of the church or the promoting of the work of God in souls, &c., but their own base ends; and when men will be wise above what is written, and follow their own notions and devices, God giveth them up to delusions and to more strange fancies. And sad experience hath proved how dangerous it is to depart from the rule of the word in matters of discipline; for by this means it came to pass that the church did not only get bishops distinct from, and superior unto, presbyters, but also metropolitans, and, after these, primates, and at length patriarchs, and, finally, the Pope. They followed not the rule of the word, but thought that they were left at liberty, as Mr Stillingfleet doth sadly make out, part 2, cap. 7, and would have the church as pompous as the state, and so made the state government their copy; and, therefore, as there was one emperor, so there beloved to be one universal bishop and pope, whom the world had never seen, had not this notion of Mr Stillingfleet's been in their head, namely, that they might order the matter of church government as they pleased best; and though Mr Stillingfleet make use of this as a confirmation of his notion, yet it is such a proof of it as may make all tender-hearted Protestants tremble at it and reject it, as being the very thing which raised up Antichrist.

*Obs. 10.* Mr Stillingfleet is pleased, in the last chapter of his book, to gather together some expressions of divines, at home and abroad, in France, Germany, and the Low Countries, as favouring his purpose, which to examine, a work of this nature will not suffer; any who will may do it, and, possibly, shall find some unfair dealing. However, unto those whom he citeth it will be sufficient, though he had four for each one, to oppose the testimony of churches, which may be seen in the Harmony of Confessions, and whose testimony is of much more authority than the testimony of twenty private divines; and, moreover, he well knoweth that, of private divines, many are against him for one who is for him.

*Obs. 11.* He telleth the reader in his preface, that he doth not write to increase the controversies of the times, nor to foment differences, but his design is to allay the heat, and abate the fury of that *ignis sacer* or *erysipelas* of contention; and so all along in his preface he would make his reader believe that he designed nothing but peace; and accordingly, he entitled his book *Irenicum, or, a Weapon-Salve for the Church's Wounds*. No man must search his heart or judge in those matters; but this is certain, if such was his design, the means he hath fallen upon look not to be very suitable thereunto: how such an undertaking as this shall heal the church's wounds is hardly imaginable; and, therefore, it may very well be styled a *weapon-salve*, whose way of curing is not very rational or obvious to every one, yea, nor natural, if many may be believed. And this physician's undertaking shall never cure the church's wounds by sympathy, whatever it may do by antipathy. It seemeth to be a sad interlocutor of a judge, when a pleacomeeth before him betwixt a robber and one who offereth to produce his evidences and rights for such a possession, to say that all is common, and every man hath a like right to all, and may lay claim to what he pleaseth. And just such is this learned man's determination of the question in hand. The Presbyterians offer to prove their right by the Testament of Jesus Christ, and to prove that prelates are usurpers, and his interlocutor is, that neither Presbyterian nor prelate hath more right than other, and each may take what they please. If this be a way of ending controversies, and healing wounds, it is indeed by the weapon-salve of antipathy; and the reader may judge whe-

ther it be not the readiest way to increase divisions and contentions in the church, and whether or not these pills, that seem very sweet and pleasant to the palate, may not prove useful to that bilious humour, which, as he himself confesseth, is too predominant already. Sure it is he seemeth not to be a man for peace who thus hath his hand against every man, and every man's hand against him. But if he would have united the broken, divided and subdivided church, he should have taken a way to have strengthened her union with the Head. Union in an evil cause is not good: Pilate and Herod can agree in a matter against Christ, and such an union as this looketh rather like the fruit of the *weapon-salve* than anything else. It is sad that he could not get this weapon-salve made up without such an ingredient in it as wrongeth the Head and King of the church. It is an evidence of an empiric and ill-skilled physician, who cannot attempt the curing of one disease without the causing of a worse, nor make a salve to cure a wound in the body till first he wound and wrong the head. Could this learned man fall upon no way to cure the bleeding wounds of the church but such a way as, in some degree and measure, is a putting the crown off the head of Christ Jesus, who is Head of the church, and the sceptre out of his hand? For to say that he hath not settled the government of his own house by appointing his own officers, and appointing each of them to their own work, is to say he doth not act the part of a king and governor in the church, which is his kingdom; and of how dangerous consequence this is, himself may easily perceive.

*Obs. 12.* It is likewise strange that this learned man should have made choice of such an opportunity and occasion wherein to vent his notion, for in so doing he hath no way consulted the good and edification of the church; because he might well have known that, by his book, the higher powers of the land would have been much encouraged to set up the former prelatical government, which had occasioned so much persecution unto the truly godly, so much opposition to piety and to the work of grace: and so he might well have expected to see all these evil consequences natively springing up again, and to see the church of God decaying as much, if not more, than ever; for that is a government which destroyeth the very ends of government, because no man,

were he never so good, could govern the churches after that manner to edification. He might easily see that one man could not watch over, in all the duties of a watchman, so many thousands, or rather hundreds of thousands, as, by that government, he would be set over. It is true he adviseth to have lesser dioceses, but still his thesis standeth; and many will read and ponder his thesis, and the drift and scope of his book, that will never value or regard these few lines of cautions or of advice which he setteth down in the end of his book: he might well have known that the setting up of that government would have been (as he may now see with his eyes) matter of joy and gladness unto all the profane rabble in the land, and matter of lamentation and grief unto the godly and pious: he might well have known that, by that government, godly, pious, and conscientious able ministers of the gospel should be persecuted and thrust to the door, and profane, lazy, and everyway unfit men should be put in the ministry, who can do nothing else but read the service book and a homily: he might well have known that, by that government, such as were no church officers should have the management of discipline,—such as chancellors and their assistants: yea, he might well have known that, if that government had been set up again, the whole work of reformation should be demolished and cast to the ground, as he may see it done to-day, and his eye may affect his heart, if he be a kindly son of Zion, and a lover of the work of reformation, which God owned and carried on wonderfully, to the amazement of all. And might not these things have deterred this learned man from venting his notions, when he might as easily have seen as he might have opened his eyes, that the consequences thereof should have been bitter lamentation and woe to the poor church of Christ in Britain and Ireland? And what he can pretend to countervail this damage is not imaginable; for all his pretensions of peace and union vanish at the first appearance of these destructive and irremediable inconveniences. And, finally, it is yet more wonderful and strange how this learned man hath been so bewitched and blinded with his own fancies, as to be in pain until he were delivered of this birth, not considering the unseasonableness thereof at such a time: “There is a season and a time for every purpose under the heaven,” saith the wise preacher, Eccl. iii. 1, “and a wise

man’s heart discerneth both time and judgment,” Eccl. viii. 5. But it seemeth he hath been so desirous that the world should see this monstrous birth, that ere he wanted a time, he would take the most unfit season imaginable for it: for it is hardly imaginable that he could have chosen a more unfit time for publishing this his notion; because, though his notion, *in thesi*, were unquestionably true (as it is not), yet, *in hypothesi*, it could not now be yielded,—the kingdoms being tied to one of these forms, by the oath of God, the solemn league and covenant; and so not at liberty to choose what form they please. His principles will not suffer him to say that presbyterian government is utterly unlawful, and that episcopal government is necessary; and his learning will soon discover a validity in a covenant about things not sinful, though not absolutely necessary; and his piety will grant that conscience should be made of such oaths. And now, when the kingdoms were under the oath of God to set up a government most agreeable to the word of God, and to endeavour the extirpation of Prelacy, could there be a more unseasonable time for venting this his notion, touching the indifferency and lawfulness of either presbyterian or prelatical? For, suppose his notion were a truth, of what use could it be now, when the church’s hands were bound up by a solemn vow and covenant from following their liberty? Sure his disputing so much for the liberty of the church, in such a case, at this time, saith that, in his judgment, the oath of God is of no value, otherwise, at least, he would have cast in this clause of exception somewhere, and so have stated the question as a case in Utopia, if so be it was a fire within him that could not be kept in. And now, indifferent readers may judge whether *intentio operis* (I shall not say *operantis*) was union, peace, and edification. To teach people to break covenant with God, and to null their oaths and vows, is no way to the good and edification of the church. Such an union, by perjury, will be nothing else but a sinful conspiracy: peace, in such a way, will be but dreadful security when the judgments of God are at hand; and such edification is nothing but destruction. But it seemeth his silence in the matter of the covenant all along saith that, in his judgment, the obligation of the covenant is null, and so this *weapon-salve* of his must be strong, that will eat through the bones of a cove-



nant; but, because it is so dangerous and destructive unto the substantial and vitals of religion, it is the less to be valued, whatever virtue he allegeth it hath for curing wounds in the flesh. Did he think that tender Christians would get the Gordian knot of a covenant oath and vow so easily cut, as to think themselves at liberty to choose what form of government they pleased? Or, if he did not presuppose this, of what use did he think his book would be? Though it were to be wished that this learned man had employed his talent more for Him who gave it, yet, seeing he would not forbear the publishing of his notions and conceptions, he might have spoken his mind concerning the obligation of the solemn league and covenant; for, so long as that covenant standeth in force, his notion will vanish as a cloud without rain.

But we must end this digression (in which we have insisted the longer because it is one of the main grounds upon which the compliers of this age do walk) and go on, that we may hasten to some other particular.

#### SECTION XIV.

**SUCH REASONS OR OBJECTIONS AS ARE ALLEGED FOR TAKING, AND AGAINST REFUSING OF THE OATH OF ALLEGIANCE, AS IT IS CALLED, ANSWERED.**

Before any other particular be entered upon, or this concerning the oath which is called (though falsely) the oath of allegiance, passed from, there are some few objections which would seem to militate against the refusing to swear and subscribe the oath, as it was tendered, which must be rolled out of the way. And these are either such as concern the civil part, and so seem to weaken the grounds of scrupling at the oath upon that account, which were laid down, sect. 10, 11, or such as concern the ecclesiastic part, and so seem to weaken the grounds of scrupling at the taking of the oath upon that account, which were mentioned and prosecuted, sect. 12, 13.

First, then, as to the civil part, it will be objected, 1. That there was no ground of scrupling at taking of the oath upon that account; because it was but the acknowledging of that very power which did properly belong to him before, and which former par-

liaments had recognised as his due, namely, the 18th parliament of King James VI., which did acknowledge "his sovereign authority, princely power, royal prerogative, and privilege of his crown, over all estates, persons and causes whatsoever." *Ans.* This objection was sufficiently obviated above, p. 73, where it was shown that these were but parliamentary flourishes and compliments, grounded upon personal qualifications; and, indeed, the act seemeth to raise this structure upon his Majesty's being put in possession, as the righteous inheritor, of the famous and renowned kingdoms of England, France and Ireland, which far surpass the wealth, power and force of the dominions of his progenitors, the kings of Scotland, and thereby, having a greater increase of care and burden; and, withal, upon his extraordinary graces, most rare and excellent virtues, wherewith he was endued for the discharge of that trust. Now any man of understanding may see that the increase of his extensive power and authority, or of personal qualifications, is no sufficient ground for the increase of his intensive power, or for the enlarging of the privileges of the crown. Moreover, it is said expressly in that act, that they "Ratify, approve and perpetually confirm the same, as absolutely, amply, and freely, in all respects and considerations, as ever his Majesty, or any of his royal progenitors, kings of Scotland, in any time bygone, possessed, used and exercised the same." Whence it appeareth that they gave no new power, only they did recognise what he and his progenitors had before. Now, as was shown above, neither he nor any of his progenitors had such a supremacy over parliaments as is now alleged to belong unto the crown: for, as to that first act, parl. 8, 1584, it was shown above, p. 125, how, notwithstanding of the supremacy there granted unto the king, the privileges of parliament remain entire, as they had been continued past all memory of man, without any alteration or diminution whatsoever; and after this, 1587, in the 11th parl., act 33, the ancient order, dignity and integrity of the parliament is restored, and, particularly act 40, the king doth faithfully promise to do or command nothing which may directly or indirectly prejudice the liberty of free voting of the estates of parliament.

But, 2. It will be objected, That all this supremacy was acknowledged by the 21st

parliament, 1612, when the acts of the Assembly at Glasgow, 1610, were ratified, among which this was one, that ministers should swear the same oath which was tendered by this parliament, and which is there set down. *Ans.* It is true it was appointed by that pretended Assembly, that ministers, at their entry or admission to the kirk, should "Testify and declare that the king was the only supreme governor of the realm, as well in matters spiritual and ecclesiastical as in things temporal," &c.; and it is true this parliament did ratify and approve this deed, so that it had the force of a law: but, 1. There is a great difference betwixt such a civil sanction as this is and another act of parliament: other acts stand in force until they be repealed, but when the church constitution, which is the ground and basis of the civil sanction, ceaseth, the sanction ceaseth, and the act perisheth, without any formal repeal. The act ratifying and approving the deed of a church judicature standeth in force no longer than the deed of the church judicature standeth in force, and the deed of a church judicature may be altered without any respect had unto the civil sanction, or notwithstanding that the civil sanction is not formally removed, because the civil sanction did follow and depend upon the church act, and the church act doth not depend upon the civil sanction. 2. It is not incumbent unto a church judicature to determine the limits of the king's civil supremacy, far less to determine the same in the first place; and this pretended Assembly was more anxious about the king's ecclesiastical supremacy than the civil, and it was his supremacy in church matters which was here intended by them and approved by the parliament; and therefore it is added, "And that no foreign prince, state nor potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual." 3. Whatever civil supremacy may be supposed to be here included, there is no supremacy over parliaments acknowledged; but any civil power that is here recognised as his due, is in opposition to foreign princes, states, or potentates, and not to parliaments within the kingdom. If it be said that the oath tendered by this parliament, 1661, being every way correspondent unto that oath which is recorded parliament 21, 1612, can import a recognising of no more civil power than that, 1612, and therefore might lawfully have

been sworn, it is replied, That the oath, 1661, is more express for civil power and supremacy than that, 1612. But if there had been no more than the words of the oath, 1661, there had not been very great ground of scrupling at the taking thereof upon the account of the civil part; for it is not the words of the oath that ground that scruple upon that account, so much as the gloss put upon the words by their other acts, particularly by the act for acknowledging his Majesty's prerogatives, which, as a commentary, explaineth what they mean by his being supreme governor over states civil and in all causes civil. Now the like of this was not done by the parliament, 1612, or any other before or since that time, till this parliament, 1661, which hereby hath put another gloss upon the civil part of the oath than ever was done before.

But, 3. It will be objected, May not parliaments give more civil power unto the king than he had before, and so enlarge even *intensive* the privileges and prerogatives of the crown, and so denude themselves of that, in whole or in part, which did formerly appertain unto them; and, when the parliament hath done this, and annexed such and such power unto the crown, can it be unlawful for private subjects to acknowledge that the king hath indeed so much power? *Ans.* In point of law it will be a very great question whether parliaments (who are but trustees intrusted by the people, whose commissioners they are, and virtually, if not expressly, bound to maintain their rights and privileges) may betray their trust, and give away the just and ancient privileges of parliament, and therewith the just and ancient liberties of the people. It will be a great question if they, at their own hand, may alter the fundamental laws of the land without the consent of those whose commissioners they are; and it will be a greater question in law, if this parliament might have sold or given away the privileges of parliament and liberties of the people, seeing so much, in point of law, may be objected against its being a free parliament,—if the want of freedom of election in shires and burghs, if prelimitation, if the election of such as were not capable by the fundamental constitution of parliament and the practice of the kingdom, and other informalities of that kind, may have any place or weight in the annulling of parliaments. But, 2. In point of con-

science it is clear that parliaments may not now give away, and, according to their pleasure, dispose of the rights and privileges of parliament; for in the third article of the league and covenant, all the people of the land, and parliaments among the rest, are sworn to maintain, in their several places and capacities, and so parliaments in their parliamentary capacity, the rights and privileges of parliament. 3. Though the parliament, notwithstanding of the bond of the covenant, should denude themselves of their privileges, yet now, seeing every particular member of the kingdom is sworn, according to his place and station, to maintain the rights and privileges of parliament, they may not assent unto such a deed of the parliament, and, by their oath and subscription, approve of such a wrong; for that is the least that private persons, who desire to mind and make conscience of the oath of God, can do at such a time, namely, to refuse to give an express, clear and positive assent unto such a wrong done to the rights and privileges of parliament, contrary to the covenant. But, 4. All this is to little or no purpose; for there is not the least syllable in all the acts of this parliament which doth import any new deed of gift, but all along they speak of the prerogatives as formerly inherent in the crown, yea, as essential to it; and hence it is that they condemn the actings of the parliament and kingdom of Scotland these many years bygone, because done in such a way as was an actual and insolent (as they say) encroachment and invasion upon the privileges and prerogatives of the crown.

*Obj.* 4. The acknowledging of the prerogative is distinct from the oath of allegiance, and therefore, seeing they were not put to take that acknowledgment, they could not refuse the oath upon the account of these consequences contained in the acknowledgment. *Ans.* So is the Declaration, dated Sept. 2, 1662, set down as distinct from the Acknowledgment, and yet, whoever sweareth and subscribeth the Acknowledgment doth swear and subscribe the Declaration, upon the matter; so is it here, whoever taketh the oath of allegiance, doth, upon the matter, take the acknowledgment also; for it is not possible to see any discrepancy betwixt them, save such as is betwixt the text and the commentary; for the acknowledgment is nothing else, upon the matter, than an explication or exe-

gesis of the oath, and in the acknowledgment the same thing is said and affirmed in plain, full and clear terms, which is but in general affirmed in the oath. By their acts they declare what things they account privileges of the crown, and all these they comprehend under his supremacy; and so, in their account, his supremacy over all persons, and the prerogatives royal, or privileges of the crown, are all one; therefore they could not acknowledge this supremacy, because they could not acknowledge the prerogatives royal. See this objection further answered above, p. 93.

In the next place, there are objections of another nature which must be answered; as, *Obj.* 1. Such as refuse this oath of allegiance declare, that they are not dutiful and loyal subjects, which ministers and Christians ought not to do. *Ans.* It hath been shown, at the beginning of the tenth section, what difference there is betwixt this oath and the oath of allegiance, and there is no minister or Christian who would scruple at the taking of the pure oath of allegiance; yea, they would account themselves obliged to take the same, if there were any necessity or just suspicion of disloyalty in them which might occasion the same. King James, in his book called *God and the King*, sheweth, that those treacherous persons who occasioned the framing of the oath of allegiance were the Pope's bloody emissaries, following the principles of Rome, and practising unparalleled treachery against king, queen, and parliament, among whom none will have the forehead to reckon such as did now refuse the oath as it was tendered. It is the supremacy in church and state which only was scrupled at, and the acknowledging of this supremacy is no part of allegiance; for one may acknowledge his father to be his father, though he should not say that he hath power, as a father, over his soul and conscience: one may acknowledge the king of Britain lawful king of his dominions, though he should not acknowledge him to have as much dominion and power over them as the great Turk usurpeth over his dominions; and, therefore, let none so interpret that passage of the *Apology for the Ministers of England*, p. 2,—where they prove that they cannot be challenged as guilty of *læse majestis*, because they acknowledge that the "king is defender of the faith in all causes, and the supreme head and governor over all persons, as well ecclie-

siastic as civil,"—as if they would assert that all in Scotland who do refuse this oath and acknowledgment were guilty of *læse majestie*, merely upon the account of their refusing of the oath, seeing, as hath been shown, their case and the case of Scotland is not every way the same; and, though they give out this as an evidence of their loyalty, yet they do not pitch upon it as *proprium quarto modo* unto a true loyal subject.

*Obj. 2.* Will you allow his Majesty no power in church matters? *Ans.* Yes, even all that power which the first confession of the church of Scotland doth allow, namely, "The conservation and purgation of religion, the maintenance of the true religion, and the suppressing of idolatry and superstition," as also that which the later confession, concluded by the Assembly of Divines at Westminster, doth allow; as also as much as sound reformed divines grant unto him according to the word of God: he hath power over the *ῥὰ ἐξω*, things extrinsical, that properly belong unto the outward man, and are common to the church with other societies: he is *custos utriusque tabulæ* in a civil manner, and must have a care of both the tables of the law. It were tedious here to set down all the particulars. See Gillespie's *Aaron's Rod Blossoming*, lib. 2, cap. 3, and the *CXI. Propositions*, which are full enough to this purpose.

*Obj. 3.* Why then was this oath refused, seeing no more was required thereby? *Ans.* More, yea, much more was required, as appeareth by what hath been said, and cleared from their acts and actings, especially from their refusing of the sense given in by those ministers who were detained so long prisoners in the Tolbooth, and thereafter banished, which was large enough, and possibly larger than some of those who gave it, afterward, upon second thoughts, would approve. It is beyond questioning, that this parliament giveth unto the king, by virtue of this prerogative, and as annexed to the crown, far more than ever the confession of faith of that church, or any other protestant reformed church did give. And as they give, so he taketh more, as might be evidenced by his letter unto the archbishop of York, if it were now at hand.

*Obj. 4.* But, whatever they assume to themselves, it is not much matter, seeing none are put to affirm that so much power doth belong unto him, and the oath tender-

ed hath not so much in it *in terminis*. *Ans.* When an oath is contrived in such general and comprehensive terms as may take in much, and when there is no other way to find out the just latitude and meaning of it but by their acts and actings who tender it, it is of much concernment to know what sense their actions will put upon it, for by their actions the true sense must be learned; for it is a received and known principle, that oaths must be taken according to their known sense and meaning of the words who tender the same; because oaths were first invented for their security, and, therefore, whosoever would deal honestly and Christianly in taking an oath, must take it in the very sense that it is understood by such as tender it, otherwise the holy name of God shall be taken in vain, and the takers of the oath shall deal deceitfully, in frustrating the end of the oath and the design of the tenderers thereof. To take an oath *quatenus, eatenus*, in so far, will not satisfy, as worthy Dr Voetius judgeth, *de Polit. Eccl.*, p. 283.

*Obj. 5.* This shiness were good in case the oath, as worded, could bear such a sense as is supposed to be meant by the tenderers; but it is not so here. *Ans.* It is certain the oath (as to the part controverted) is conceived in general terms; it is certain that their sense who tender it is not sound; and it is certain that there is nothing in the oath contradicting their sense and meaning; yea, it is certain that the very oath itself, as worded, will take in all their sense and meaning; for it giveth to him a supremacy of power, both over civil and ecclesiastic persons and causes,—“all persons and all causes” will take in both, and “supreme governor over all these persons, and in all these causes,” will take in a great power and a very large supremacy; yea, the very grammatical construction of the oath will bear this large sense fully enough. Any of understanding may easily see these three things here: 1. That the king is the same way supreme governor over churchmen as he is over civilians; 2. That he is made the same way governor in church causes as in civil causes; and, 3. That he is the same way governor over churchmen, in their church capacity, or in their church causes and actions, as over civilians, in their civil capacities, and in their civil causes and actions.

*Obj. 6.* The sense can be no other than this, That he is supreme governor over all

persons, whatever action they be about,—as, if he were in a ship he should be supreme governor over all the persons there, whatever their trade or occupation were, and of the governor of the ship among the rest, and yet it will not follow that he is the supreme governor of the action of guiding the ship, but only that the governor of the ship, while he is guiding her, is a subject; and just so is it here as to churchmen. *Ans.* Even his supremacy over civil persons, in civil causes, is much to be questioned, as hath been said. But, to wave this here, their acts and deeds, which are more authentic interpretations of the oath than any private conjectures, speak some other thing. Were the oath worded thus, “He is supreme governor over all persons,” this objection would have some colour; but when it is said, “in all causes,” yea, “and in all causes,” all is wrong. Next, it is certain, from what hath been said, sect. 10, 11, that they intend more, as to the civil part, than that he is supreme governor over civil persons, and that they remain subjects while about civil actions; for he is made supreme governor over civil persons, and in civil causes; and must it not be so likewise, as to the church part, seeing the oath putteth no difference less or more betwixt them? 3. One main end of the oath was to shoulder out the Pope and his power, and this was an immediate cognition of church affairs, and a power not only over persons but over causes; and what was taken from the Pope with the one hand was devolved on the king with the other. 4. The simile is a plain dissimile, as it is set down; but, make the parallel run thus, There is a foreigner within the ship challenging power of making laws to all persons within it, and particularly to the pilot, and power of judging him in his actions as pilot, betwixt whom and the prince the debate cometh to that height that he is ejected, and, to the end he may never be re-admitted, the prince imposeth an oath upon all within the vessel, and particularly upon the pilot and seamen, that they should acknowledge him to be their only supreme governor, and in all their actions and causes, and then any of an ordinary capacity may discern whether or not the pilot be not bound by his oath to acknowledge some thing more than that he is a civil subject while he is about his calling and work. But all this is to no purpose now, seeing their acts and actings make the business clear enough, as is shown above.

*Obj.* 7. Where a civil magistrate is affirmed to be governor of his dominions by common intendment, this must be understood of a civil government, and may not be extended to that of another kind. *Ans.* With all due respect to the reverend author of this reply, namely, Bishop Usher, in his speech concerning “the oath of supremacy in the star chamber in Ireland,” this doth not satisfy; because, by the same reason, might one who was clear for the primacy of Scotland, lawfully swear that the archprelate of St Andrews was supreme governor of Scotland, over all persons and in all causes, because, by parity of reason, when the government of a church officer is spoken of by common intendment, this must be understood of an ecclesiastic government, and may not be extended to that of another kind. And yet, no doubt, this oath would be scrupled at notwithstanding of that common intendment. But, 2. Their acts and deeds destroy that common intendment, and respect must be had to their intendment, and not to the common intendment. 3. Even as to this common intendment in respect of the civil part it hath been shown what just ground of scruple there was.

*Obj.* 8. No other thing can be understood, for he is capable of no more, and the predicate can agree no further to the subject than its capacity will permit. *Ans.* This is a shift for children, but for none else; for, 1. Such subjects are seen to assume to themselves more than they are truly, by any law of God, capable of. 2. By this means one might swear that the civil magistrate were head, husband, king and saviour of the church, without all hazard of perjury, for these predicates can agree to him no further than he is capable: as also one might lawfully swear that the Pope was supreme civil judge of the king’s dominions, yea, and swear the greatest untruths imaginable. But such salvos will prove too narrow to cover perjury in the day of accounts. 3. Oaths are the end of controversies, but this oath should then decide no controversy; for the king’s power should be as uncertain as ever it was for all this oath. 4. The question is not so much, What power doth really appertain unto the civil magistrate? but another thing founded on this, namely, What power may one lawfully say and swear doth indeed belong to him? And will any be so profane and gross as to say it may be acknowledged by oath that he hath more power than indeed he hath? Such

like metaphysical distinctions will not defend from the wrath of God in the day when he shall be a swift witness against all false swearers.

*Obj. 9.* Is it safe to contend with higher powers about such things, and bring on such sad sufferings? *Ans.* Christians should be most taken up with duty, and should not value sufferings: they should buy the truth, and by no means sell it; and this matter under debate is no small business, whatever some may think. Not to mention here the sad consequences of this oath, as to the civil part thereof, if the ecclesiastic part thereof be only noticed, it will appear to be a matter of greater moment than every one will believe, as may appear from the reasons mentioned, sect. 12. Men who would be accounted loyal subjects unto a king of clay will think it their duty to stand and contend for a small and inconsiderable bit of a thing, going under the name of a privilege of the crown, to the hazard of life and all; and shall any Christian account such things as are real privileges of the crown of Christ frivolous, and not worth the hazarding of anything for? The asserting of Christ to be Head and King of his kingdom, which is distinct from all other kingdoms upon earth, and that he alone hath power to rule this his kingdom, with his own laws and by his own officers, and that none may rob him of his crown and sceptre, or of any part or pendicle thereof, seem to be no small matters. Who will condemn the generation of the righteous, who, like valiant soldiers, have stood for the defence of their Master's prerogatives, and would not give their consent unto the spoiling of his crown, no, not in the least, even when condemned to death therefor, and banished out of the land of their nativity? The words of famous Mr Welsh, in his letter to the Lady Fleming, from his prison at Blackness, January 1606, are worthy to be noticed and kept on record, "What am I (saith he) that he should first have called me, and then constituted me a minister of glad things of the gospel of salvation, these fifteen years already, and now, last of all, to be a sufferer for his cause and kingdom; to witness that good confession, that Jesus Christ is the king of saints, and that his church is a most free kingdom; yea, as free as any kingdom under heaven, not only to convocate, hold and keep her meetings, conventions, and assemblies, but also to judge of all her affairs, in all her

meetings and conventions, among his members and subjects. These two points, 1. That Christ is the head of his church; 2. That she is free in her government from all other jurisdiction except Christ's, are the special cause of our imprisonment, being now convict as traitors for maintaining thereof. We have been waiting with joyfulness to give the last testimony of our blood in confirmation thereof, if it would please our God to be so favourable as to honour us with that dignity."

*Obj. 10.* Howbeit the matter, as set forth by you, seems considerable, yet, as comprehended in the oath, it seemeth very inconsiderable. Were these things expressly affirmed there were some colour of reason for refusing to acknowledge the same, but, seeing they are only your inferences and groundless fears, there is less reason to refuse the oath. *Ans.* It is no new thing for sufferers to be blamed as faulty: this is certain, and every one may see it, that the temptation is stronger for taking than for refusing of the oath, there being much more outward and worldly advantage to be had by taking than by refusing of it; and, therefore, such should be Christianly sympathised with, seeing the matter they stand upon is not trivial,—the business they contend for is concerning the due bounds and marches of the kingdom of Christ, and concerning the just extent of the privileges of his crown, and, if they be mistaken, it is in this they are mistaken. They desire not to rob the civil magistrate of his due, but, when they apprehend that there is an encroachment made by him upon the privileges of Christ, as king and head of his church, no tender Christian will blame them for standing upon their ground, and to be willing, for the interest of their Lord and Master, to lose their liberties, yea, and their lives too. But, 2. It is sufficiently manifested already, that neither these inferences nor their fears were groundless, so that it were superfluous to add any more here for clearing of the same.

*Obj. 11.* But the parliament or council would give liberty to persons to explain themselves, and to express what their meaning of the oath was, and in what sense they would take it: Why was not this favour accepted? Might they not have taken it in their own sense, seeing, no doubt, that would have been a safe sense? *Ans.* 1. Some indeed report that this favour and courtesy was conferred on them in private, and there-

fore they had no scruple to take the oath ; but all had not this in their offer. 2. Others, as wise and judicious, would have looked upon such an offer as no favour or courtesy at all, and, indeed, it deserveth not the name of a favour, to give liberty to any to mock God, others, and themselves. Such a liberty could be nothing else but a snare to the conscience ; for, by words, to put a gloss upon a written or printed oath, which, in strict construction, it will not bear, and then swear it and subscribe to it, is to mock the most High, who will not be mocked. To subscribe an oath *in terminis* as it is offered, and set down in writing or print, after it is mentally or verbally glossed, is to stumble the truly godly, and to harden the wicked in the present age, and to mock posterity, who shall see the oath *in terminis* subscribed, but neither see nor hear of the gloss, which, as a salvo, was cast in ; yea, and it is to deceive themselves, by entangling themselves into the bond of a sinful oath, with fair speeches and plausible apprehensions, or rather dreams. But, 3. Why would they not suffer such as they required to take the oath to set down their sense in plain terms before their subscription ? and why would they not rest satisfied with that which the six or seven forementioned ministers did ? Sure, if it had been tendered upon any other account than as a snare to the conscience, this would have been granted ; but, it is true, the taking of the oath after that manner would not have served their purpose so well as now it will, when subscribed as set down *in terminis ; litera scripta manet, et dolus versatur in generalibus*. 4. Whoever would have fuller satisfaction to this objection, let him consult Dr Sanderson, *de Jur. Prom. Oblig.*, præl. 6, sect. 10, whose words shall be here translated and set down at length, because so full and satisfactory, *Dico* (saith he, speaking to the same case), &c., —“ I say, that it may be suspected that there is some deceit lurking, and therefore every pious and prudent man should refuse such an oath offered under such terms : 1. Because in the oath itself truth is required, but a proposition having an indefinite and ambiguous sense, before there be a distinction used for clearing, is no true proposition, yea, it is not a proposition at all ; for a proposition (as children know by its definition) should signify either truth or falsehood without ambiguity. 2. Because of him who tendereth the oath : for the proper end

of an oath is, that he in whose favour it is taken should have some certainty of that whereof he doubted before ; but there can no certainty be had out of words which have no certain sense. 3. Because of him who sweareth, who, if he take such an oath on these terms, either stumbleth his neighbour or else spreadeth a net for his own feet ; for to what else should such collision tend than either that by our example others (though against their conscience) may be induced to take it, and this is to lay a stumbling block before them, or that afterward, by virtue of that oath, something may be required of us which is either unlawful or hurtful, and this is to lay a snare for ourselves. Therefore let every prudent man beware of suffering himself to be deceived by these wiles, and of thinking so much either of the favour or of the ill-will of any other as to swallow the bait under which he is sure there is a hook. It is expedient that in the matter of oaths all things be done aright, and that the sense be clear to all, and that is, *jurare liquido*, to swear with a clear conscience.

*Sic tamen et liquido juratus dicere posses.*

When in thy conscience thou art clear,  
Then may'st thou without scruple swear.

*Obj. 12.* Though the parliament, upon grounds of state policy, should not think fit to alter the words of the oath which have been condescended upon by former parliaments, and set down in their acts, but keep the same *in terminis*, lest, giving way to alter upon the desire of one, they should alter and change it *in infinitum*, according to men's several fancies and desires ; yet to hazard upon suffering upon such an account cannot be commended. *Ans.* 1. Every sin, even the least, must be shunned upon any hazard ; yea, all are commanded to abstain from every appearance of evil. It may be suffering for righteousness' sake in the eyes of God, which men may account suffering for needless scrupulosity. If they had been of the same judgment with such divines (called so at least) who now-a-days publish to the world their new-found-out principles, whereby all oaths may be loosed, or broken, rather, as rotten ropes, they might have taken and digested a cartful of oaths (to use the expression which some who now have renounced that oath and covenant which once they swore did utter, when minded of their former oaths), and never once inquired

whether lawful or unlawful (and, to say this on the by, it is no small matter of admiration to think what security such can expect from others by oaths who themselves profess and publish the art of loosing all the bonds of oaths; but it would appear that this is not the thing designed, but rather this, that seeing they know such as they have to deal with are men of conscience, they would have them either ensnared in the same guilt and drawn unto the same excess of wickedness and atheism with themselves, or else exposed to their fury and cruelty); but they love not such principles of profanity and atheism, but rather desire to fear an oath, knowing that God is jealous, and will not hold such guiltless as take his name in vain.

2. If this be the oath of allegiance it is very far changed from what it was, as was shown above, sect. 12, and it is not fair to change it so as to make it worse. 3. In the matter of oaths, reason and religion would require that the meanest who are concerned in it should be condescended unto. Rulers should follow the laudable example of Abraham, who did condescend unto his servant in the matter of an oath, which he was tendering unto him. It is consonant both to reason and religion that oaths, before they be imposed, be examined again and again, and so worded as none, no, not the meanest, who is endued with understanding in those matters, may have the least real ground of scruple. And as to this oath, they are not a few conceited and self-willed persons who scruple at it, but if impartial search be made, it will be found that the most understanding, faithful, conscientious and zealous in the land, both ministers and others, do stumble at it, and that not upon imaginations and fears, but upon real and evident grounds. Now, no doubt, understanding Christians will easily grant that, in such a business, the stumbling of so many, so able, eminent and gracious, is not to be despised; and none will deny this but such as would plead for a lawless liberty to magistrates to tyrannise over the souls and consciences of people, which were a more dreadful tyranny than any exercised by the cruellest Nero or Caligula that ever was. But, 4. If they would not alter or change the words of the oath, might they not have published such a sense of the oath as none might have scrupled at: there are several acts of parliament explicatory of former acts, and why might not this have been explained by a new act?

5. What these grounds of state policy are, why they would neither help the oath and word it otherwise, nor yet give a sound gloss thereof, and make it as public as the oath itself, is not very needful to inquire; yet there are some so obvious and conspicuous, that he who runneth may read them, namely, that if the oath had been conceived in plain, clear and safe terms, or so interpreted as that no scruple had been left in the minds of tender Christians, it had not proved such an engine to warp out of the land, under the notion of disloyal persons, such as feared an oath, and durst not comply with foresworn prelates or their ways.

## SECTION XV.

CONCERNING THE HEARING OF SUCH AS ARE NOW THRUST IN UPON THE PEOPLE IN THE ROOM OF THOSE WHO ARE PUT AWAY.

When, by these ways forementioned, a great number, even the third part of the ministry of Scotland, was put from preaching the gospel, and banished from their own parish churches, there were a number of naughty, base men, who had denied the faith which once they professed, and renounced that covenant which they had sworn with hands lifted up to the most high God,—men for the most part of flagitious lives, corrupt both in their principles and in their conversation, unfit to have the privilege of church members in any well-governed church, let be to be officers in the house of God, and men who will willingly comply with any course which Satan and his instruments can set on foot, thrust in upon the people, sore against their wills, having presentations from patrons, and collations from the prelates, and no more, for a call. And there are others, alas, too, too many, who, being in the ministry before, have basely betrayed their trust, and complied with those abjured prelates, and gone, contrary to that covenant which both themselves did swear, with hands lifted up to the most High, and which they caused all within their several congregations to swear, in a most solemn manner, as hath been shown above. And now did the trial come near to the doors of the poor people, for there was an act of parliament, July 10, 1663,



enjoining the people "to attend all the ordinary meetings for divine worship, under these pains and penalties, namely, each nobleman, gentleman, and heritor, the loss of a fourth part of each year's rent in which they shall be accused and convicted; and every yeoman, tenant and farmer, the loss of such a proportion of their free moveables (after payment of their rents due to their master and landlord) as his Majesty's council shall think fit, not exceeding a fourth part thereof; and every burgess to lose the liberty of merchandising, trading, and all other privileges within burgh, and the fourth part of their moveables, and such other corporal punishments as the council shall think fit." And yet, notwithstanding of this act, faithful and honest Christians were constrained in conscience to withdraw, and could not yield obedience unto this act; but resolved rather to suffer affliction, whatever it might be, than countenance such as had intruded themselves without a call, and had made such defection from the truth and cause of God; and for this cause many have suffered, and many are put to suffer daily, whom no tender-hearted Christian will or can condemn, if these few particulars be considered:—

1. To yield obedience unto this act, enjoining them to hear such men always, and to attend all the ordinary meetings for worship, and so to countenance them as lawful pastors, were to comply with the sinful defection of the time, as appeareth from these two particulars: 1. It were a countenancing of those men who have broken covenant and overturned the whole work of reformation, and an approving of them in the same, for themselves look on all such as obey that act as their friends; and the act itself saith, that "a cheerful concurrence, countenance and assistance given to such ministers, and attending all the ordinary meetings for divine worship, is an evidence of a due acknowledgment of, and hearty compliance with, his Majesty's government, ecclesiastical and civil, as now established by law within this kingdom:" for in order to this last the act saith that his Majesty doth expect the former. And experience proveth much of this to be true, namely, that such as do countenance them after this manner do indeed approve of them, and, by the contrary, they look on others as disaffected persons, so that obedience to the act is the very badge of compliance, and, therefore, upon

that account, cannot in conscience be yielded; for in such a case many things, which otherwise might be lawful or indifferent, cannot be lawfully done, as being most inexpedient, and, what is not expedient, in so far as not expedient, is unlawful and unedifying, and therefore must not be done, as Paul saith, 1 Cor. x. 23. 2. It were some way also the acknowledging of the power and authority of prelates, and so contrary to the league and covenant; and the reason is, because these men come forth from the prelate, having no other call or warrant but what the prelate giveth, and so a receiving of them is a receiving of the prelate, as a refusing to own them will be accounted a slighting of the prelate and his power. These things will be clearer if two things be considered: 1. That now there is no door opened for getting any wrongs redressed, and corruptions in the ministry, which creep in and abound, removed; there is no access for grieved persons to present their grievances; corruption and defection is carried on with such a high hand that there is no liberty once to speak or object against such and such corruptions; yea, all these corruptions are approved, so that all possibility of getting any redress made is away; and, in such a case as this, when private persons have not access to propound their objections against such or such a man's exercising the ministerial function, or no hopes of getting a hearing, but, by the contrary, such persons as they would object against would be the better liked, and these things, which they might object as heinous crimes, would be accounted virtues and matter of greater commendation, what can they do else but withdraw and not countenance such vicious and naughty persons, nor do anything which may import a consenting unto, or an approving of these grievous wrongs and enormities; especially considering, 2. How there is now no other way left for persons to exonerate their consciences before God and the world, and to declare their non-conformity unto this wicked and corrupt course of defection. All other doors are barred by law, so that now they must either give testimony against this course of defection this way, by refusing to give obedience unto this act, and to countenance these men (whose chief qualification is perjury) as ministers of the gospel, or else they must be accounted consenters: for how else shall their dissatisfaction be known? There is no patent door

now for any legal exoneration of their consciences, by remonstrances and protestations, the parliament having declared such actions to be treasonable; yea, there is not so much as liberty granted for petitioning or supplicating against any such abuse; and, of necessity, they must some way or other give public testimony against these courses (for they must not partake of other men's sins) as are carried on, contrary to the word of God, to the covenant, and to their former resolutions; and there is no other way so harmless and innocent as this, though suffering should follow thereupon.

2. By giving obedience unto this act, they should be in hazard, not only of falling away unto a detestable neutrality and indifferency in the matters of God, but, ere long, they should be in hazard to fall away in heart and affection from the cause of Christ, and from the work of reformation sworn unto, and owned so much; for there is no other way now apparent whereby the difference shall be kept up betwixt such as honestly mind the covenanted work of reformation, and the corrupt, prelatical, and malignant party, but this of refusing to give obedience unto this act. So that, as it is already too apparent that some who had no scruple to hear these men, and withal thought to abide constant to the cause of God, were ere long found to be deceived; for piece and piece the edge of their zeal was blunted, and their affection to the work of God cooled, and they at length were brought to condemn it: so dangerous a thing is it to suffer the standing difference to wear out of sight. So that, let a man once begin to countenance those men, as lawfully called and authorised ministers, and, by this means, keep up no standing difference, he shall, ere he be aware, slide into their camp, and side with them in all things: therefore it is best to keep up this distance and standing difference by withdrawing.

3. By giving obedience unto this act, they should quite undo and betray their posterity; for though now the honest party be not in a capacity to transmit the work of reformation unto their posterity in such a manner as were to be wished, it being now defaced and overturned by this course of defection which is so violently carried on, yet they may and should do something for keeping fresh the memory of the good old cause, that it be not buried quite in oblivion, and this must be by keeping up some foot-

steps of a standing controversy, for Zion's interest and the work of God, against the common enemies thereof, the prelatical and malignant faction. But now, take this weak and inconsiderable appearing in the fields against these corruptions away, what appearance of a standing controversy shall posterity see? Shall not they conclude that the day is lost, and the cause gone, when they see that this generation hath fled the field, or rather, sold and betrayed the cause, by owning, countenancing, and complying with the enemy, and that there is no standing testimony against corruptions, or nothing seen in the practices or carriage of their fathers that may in the least signify their dissatisfaction with these courses? Whereas, if there were but this much of a difference betwixt the people of God and the common enemies of Zion to be seen, posterity would, in some measure, be kept from being deceived, and would see the interest of Christ not killed nor buried quick, but living, though in a bleeding condition; and this would occasion their engaging for Christ, and interesting themselves in the quarrel. And it is far better to see the cause of Christ owned, though by suffering and blood, than sold and betrayed by base finching and complying with persecutors.

4. There is not a more ready way to harden and encourage the enemy, in their wicked and malicious way of opposing the work of God, than thus to countenance them in obedience to this act. This is a way to strengthen their hands in their wicked courses; for then they encourage themselves in evil when they see how they are countenanced by all, and that there is no disrespect put upon them, nor dissatisfaction evidenced against their courses, then they conclude that they are approved of all, and this hardeneth them, so that they never once think of the evil of their ways: whereas, were they disowned, notwithstanding of the act, it would cool their courage, and possibly occasion some reflecting thoughts upon their courses sometime or other. And who knoweth what might follow? It is more than probable that the people of God are not freed from seeking the conviction, repentance, and edification, even of these their malicious enemies; and it is certain they may not encourage them in their evil ways, nor do anything which may really tend to harden them in their wicked courses. And therefore, if obedience to this act will in all

probability have this effect, it ought to be forborne.

5. By giving obedience unto this act, they should stumble the truly tender in conscience, by encouraging them to do contrary to their light and conscience, after their example: when they are not clear to hear them, they are emboldened or stirred up thereunto when they see others doing so, and thus they are ready to halt in the ways of the Lord; and this is a grievous sin, to seek to destroy those for whom Christ died. But it will be objected, that hearing the word is duty, and so, if any stumble thereat, it will be but a scandal taken and not given.

*Ans.* The question is not, whether it be a duty to hear the word or not, but whether it be a duty to hear the word out of such men's mouths, and that in obedience to the act, or so as the act doth enjoin; and if this be not a necessary duty the objection falleth to the ground, for it is not at hearing of the word that men do stumble, but at hearing of such men preach who are not lawfully called. This solution will be cleared by considering what is the Apostle's answer in matters of meat and drink, Rom. xiv; 1 Cor. viii. 10. He would have them forbearing such or such meat, at such or such a time, when there were hazard of stumbling thereat, and, for his part, he resolved never to eat flesh, rather than by eating thereof he should stumble any weak Christian, and yet it is an indispensable duty to eat meat, there is a command for it, and the command doth always oblige, though not *ad semper*, to all times. So then, though it be a commanded and necessary duty to eat meat, yet it is no necessary and indispensable duty to eat such or such a sort of meat, as fish or flesh, nor is it necessary to eat always at such or such a time, but both may be forborne for the scandal and offence of the weak. So the parallel will run clearly: it is a duty to hear the gospel preached, but it is not a necessary and indispensable duty to hear such or such a man always; and so, in this case, scandal may have place as well as in the case of meats, and Paul's arguments are of force here. And therefore Christians should be tender of those for whom Christ died, and be loath to occasion their stumbling by doing that which is not a necessary and indispensable duty, as it is circumstantiated.

6. By yielding obedience unto this act they should cast themselves into snares and

temptations, and that because many of those intruders, if not all of them, do teach false doctrine, tending to seduce the hearers, crying up the lawfulness of prelacy, and venting bitter invectives against presbyterian government, inveighing against the covenant, and so teaching and encouraging people to follow them, in open perjury, and condemning the work of reformation, as being nothing else but treason and sedition, which were blasphemy; beside some points of Arminianism and Popery, which some of them are venting now and then. Seeing, then, there is such false doctrine held forth, and taught with such boldness, and impudency, can it be lawful for simple people to attend such, when their souls are in such hazard to be seduced thereby, and when the Spirit of God saith, "Cease, my son, to hear the instruction that causeth to err from the words of knowledge?" Prov. xix. 27. "Beware of false prophets," is a command that is of force now, as well as of old; John, in his second epistle, (10, 11,) saith that, "If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed; for he that biddeth him God speed is partaker of his evil deeds."

It is sure, then, John would never advise people to go constantly or ordinarily to hear such deceivers who bring not with them the doctrine of Christ. He who would not have the less done would never consent unto the more. Paul, writing to the Romans (chap. xvi. 17, 18,) saith, "Now, I beseech you, brethren, mark them which cause divisions and offences contrary to the doctrine which ye have learned, and avoid them. For they that are such serve not our Lord Jesus Christ, but their own belly; and by good words and fair speeches deceive the hearts of the simple." Here is a clear warrant for avoiding (and that will at least include a refusing obedience to this act) such as teach things contrary to the doctrine which hath been already received, and learned out of the word, and do thereby cause divisions and offences, and have nothing before their eyes but their own belly, and not the glory of Christ. And how well this agreeth unto those men now spoken of any who know them may judge. And, therefore, seeing it is their design and intended work to deceive the hearts of the simple, by their bold and confident assertions, and to cause them believe things contrary to the doctrine which they have already learned and received, it

must be a necessary duty for poor simple people to avoid such. So the Apostle, writing to Titus (i. 14) forbiddeth to give "heed to Jewish fables and commandments of men, that turn from the truth." And who are these who teach such things? See ver. 10, 11, "Unruly and vain talkers, and deceivers, —teaching things which they ought not, for filthy lucre's sake." It cannot then be lawful to obey this act. So, writing to the Philippians (chap. iii. 2), he saith, "Beware of dogs, beware of evil workers, beware of the concision," by whom the false teachers of these times are to be understood. Now, he commandeth to beware of these, that is, shun them, forbear to hear them, follow them not. And again, (ver. 17, 18, 19) he saith, "Brethren, be followers together of me, and mark them which walk so, as ye have us for an ensample. (For many walk, of whom I have told you often, and now tell you even weeping, that they are the enemies of the cross of Christ: whose end is destruction, whose god is their belly, and whose glory is in their shame, who mind earthly things.)" So he would have them following such as taught as he did, and walked as he walked, and not such as were enemies to the cross of Christ. And certainly when Paul would have the Ephesians (chap. iv. 14) no more "carried about with every wind of doctrine, by the sleight of men, and cunning craftiness, whereby they lie in wait to deceive," he would not have them following or attending the ministry of such concerning whom the question is. So, when he willeth the Colossians (chap. ii. 8) to beware lest any man spoil them through philosophy and vain deceit, after the tradition of men, after the rudiments of the world, and not after Christ, he would not have people give obedience unto this act, and to attend the ministry of such who teach false doctrine, by sleight and cunning craftiness, whereby they lie in wait to deceive, and seek to spoil people of the truth by their philosophy (such as it is) and vain deceit, after the traditions of men, and not after Christ, and seek to beguile with enticing words. So in his first epistle to Timothy (chap. iv. 1, 2), he saith, "That in the latter times some shall depart from the faith, giving heed to seducing spirits, and doctrines of devils; speaking lies in hypocrisy; having their conscience seared with a hot iron." It must then be hazardous and most dangerous to give heed to such

seducing spirits as speak lies, and have their consciences seared with an hot iron, as being the cause of departing from the faith; so that such as will guard against departing from the faith would take heed whom they hear. So in his second epistle to Timothy (chap. iii. 5), he speaketh of some whom he would have all honest people turn away from, and these he describeth first from their corrupt conversation, (ver. 2—5), thus, "Men shall be lovers of their own selves, covetous, boasters, proud, blasphemers, disobedient to parents, unthankful, unholy, without natural affection, truce-breakers, false accusers, incontinent, fierce, despisers of those that are good, traitors, heady, high-minded, lovers of pleasures more than lovers of God." Much time needs not be spent in showing how fitly all these agree unto the persons now spoken of—such as know them can best judge. But then, secondly, he describeth them from their doctrine (ver. 6, 8, 13), they "Creep into houses and lead captive silly women; as Joannes and James withstood Moses, so do these also resist the truth, men of corrupt minds, reprobate concerning the faith; evil men and seducers." All which particulars, without contradiction, agree to these now spoken of; and therefore the Apostle's command standeth in force, "From such turn away." By all these passages it is clear that the ministry of false and corrupt teachers should not be attended.

7. If it were lawful to hear these, in obedience to this act, it would be also lawful, upon an act, to attend the ministry of Anabaptists, Antinomians, Socinians, Arminians, or Jesuits; and if it would not be lawful to do this, no more can it be lawful to attend the ministry of those in question who seek to pervert the right ways of the Lord, and labour to subvert the simple people, and to turn them away from the truth.

8. Such as their doctrine is, such their prayers,—not only stuffed with error, but larded with blasphemy, as might easily be shown were it fit here to mention what their expressions are. As their doctrine tendeth to reproach the work of reformation and the power of godliness, so do their public prayers, as such as hear them can show: they pray for a blessing on the prelates, under the name of "reverend" and "right reverend fathers," and on their ways and courses (which God will curse and blast), not to mention their unsound and parasitic

expressions concerning the king's supremacy, calling him "head of the church," &c. Now, seeing tender consciences cannot join with them in those prayers, how can they attend their ministry? Are not all present bound to join in prayer with them who should be the mouth of all the congregation unto God, and pray with them? And when, out of the corruption of their heart, they ordinarily utter expressions savouring of blasphemy and error, can godly tender consciences go along with them? And, seeing they cannot, how can they be bound to attend their ministry? There are snares in *prayer* no less than in *preaching*. Yea, particular persons concur more with the minister in prayer than in preaching; and therefore they may more safely hear error preached than join in an erroneous prayer; for in the one they are purely passive, but in the other they are some way active, and therefore, unquestionably, there is sin in constant attending the ministry of such, with whom, if they concur in prayer, they must sin.

9. Yielding obedience unto this act were, upon the matter, a consenting unto the great encroachment made upon the privileges of the church. The church hath this power and privilege from the Lord, to make choice of her own officers, as the frequent examples thereof in the days of the apostles do clear; and this would be the greater sin now, after the Lord hath graciously delivered that church from that yoke, and put her in possession of her power and privileges; after that the power of patrons, which was a piece of cruel bondage and oppression unto the church, is removed, to consent again unto wreathing of that yoke about her neck were no small transgression; and it is clear that the attending of the ministry of such must be an accepting of them as ministers lawfully called, notwithstanding that they want the election of the people, and have nothing for their warrant but a presentation from the patron. And so this would be nothing else, upon the matter, but a consenting unto this encroachment, and a joining with such as wrong and spoil the church: to say that people in that case should protest against these encroachments, and so exonerate themselves, were to put them to run their heads against a wall; and, next, their refusing thus to obey the act is, upon the matter, a protestation, and, if after their protestation they were bound to hear them and attend their ministry, they should undo their own protestation by their

after carriage; for, by their protestation, they declare that they cannot look upon them as ministers having a lawful call according to the laws of Christ, and, by their after carriage, in constant attending of their ministry, they should declare to all that they own them as lawfully called ministers; and thus their practice should belie their protestation. Nor will it be of any force to say that their forefathers did submit unto the ministry of such as had no other call but the patron's presentation; for there is a vast difference to be put betwixt a time wherein the church is advancing in a course of reformation, and a time wherein she is declining and sliding back from that degree of reformation unto which she had already attained. In a time wherein the church is but coming out of darkness, and the day is but beginning to break up, many things may then be comported with and tolerated which may not be submitted unto after the church hath got all these abuses reformed. Every believer and every church is bound to stand fast in that which they have attained unto, and not to cede in a hoof: so that Christians living in a time wherein the church is but beginning to wrestle up from under the heap of error and corruption, may be allowed to do many things which must not be done when the noontide of the day is come. In the time of the reformation begun by Luther and others, many things might have been comported within the church (reformation being a gradual motion that hath but small beginnings and risings) which now, since the reformation hath been carried on, through the blessing of God, to that degree it was advanced to, cannot be allowed. When God hath wonderfully, by his mighty power and outstretched arm, brought a church to a great length in reformation, it will be the duty of that church, and of the members thereof, to adhere to that degree unto which they have attained with all perseverance. It will be lawful for the church which is but coming up the hill to stand at such a step until they gain another, when yet it will not be lawful for the same church to go backward after they have advanced. The truth once bought should never be sold. So then the consequence is null. Their forefathers stumbled not nor did scruple at the doing of such or such things; therefore those in this generation who have advanced, through the blessing of God, unto a farther degree of reformation, should not scruple either. It is a

poor consequence to say, The posterity may return backward because their forefathers could not advance farther. Much more may be seen when the sun is up than in the twilight: therefore the scrupling of honest people now doth no way condemn their forefathers; but, on the contrary, the stedfastness of their forefathers, in standing to the degree to which they had reached, and their endeavouring to advance, will condemn this generation for backsliding. In their days those abuses and corruptions were not remedied,—the church was not then freed of that yoke of oppression,—and, further, their after consent unto such ministers made up this defect; but those in this generation are not at liberty to give or grant their after consent, because they are engaged to stand to the work of reformation, and to own it in all its parts, whereof this is one, namely, the putting away of the usurpation of patrons, and the putting the church in possession of her own privileges; and this they must own, upon any hazard, if they would not betray their trust. The right way of election was not settled by law in their forefathers' days, and so they were groaning under that oppression, and constrained to make the best of that ill bargain they could; but it were utterly intolerable for those in this generation to consent unto the wreathing of that yoke, which hath been once loosed from their jaws, about their necks again. Nor will it be of any force to say, within few ages, yea, or years, such a thing as this will never be scrupled at; for if defection be carried on with as great vehemency as it hath been these few years bypast, it is like gross Popery shall not be scrupled at ere long, except by such as now do scruple to countenance those intruders. And whatever the following posterity may be allowed to do to prevent worse, it will plead nothing for those in this generation; because it is their part to stand in the gap, and leave their dead bodies there rather than give way unto any degree of defection which may cause posterity to curse them. More is expected of a standing army than of straggling soldiers: these may make some shift after the army is broken to get as good quarters as they may, when it were baseness and utterly unlawful for any to do so while the army is unbroken. Small things should be stood at in the time of the beginning of an apostacy: when the waters of corruption are beginning to break in the

least hole should be stopped and watched over.

10. By giving obedience unto this act they should, upon the matter, justify and approve of, and consent unto the violent and cruel thrusting out of these whom God had settled in those places, and whose labours he had blessed; and thus they should consent unto this terrible act for persecution of the godly and faithful ministers of the Lord. And therefore they could not do it in conscience. The antecedent is cleared thus: Because to embrace and encourage such were to approve of the ground upon which they enter, and that is, their compliance with the sinful defection, and their submission and obedience unto the sinful injunctions of the time. And what were that else but a condemning of the honest ministers who could not in conscience so comply nor submit, and an approving of the sad sentence gone out against them? He who willingly submitteth unto an usurper, and accepteth of him as a lawful superior, by yielding all active obedience, doth thereby declare that the right of the usurper is good, and better than his right who is outed by the usurper, or he doth what in him lieth to make it so.

11. It may be questioned as to some of them, whether they be ministers at all or not; for as they have not the qualifications required by the Apostle, neither as to life nor abilities, being scandalous in their life and conversation, to the view of all onlookers; and as to doctrine, being either corrupt or utterly insufficient, having none of the qualifications requisite; so, nor have they anything like a solemn ordination, or setting apart for that office, having no imposition of hands of the presbytery, with fasting and prayer, according to the order of the gospel, but the sole warrant and mission of the prelate; and therefore it cannot be lawful to countenance such, and to look upon them as lawful ministers. It is true, private Christians may not set themselves up into the chair, and judge of the endowments and qualifications of ministers, and what nulleth their office and what not, yet every private Christian hath the use of the judgment of discretion, and that way may judge whether such an one appears qualified according to the rule of the word or not. It is certain there may be times wherein such men may be set up into that office as have few or none of all those qualifications required in the word. Such corruption may

overgrow the church (as bypast experience hath abundantly evinced in the times of Popery) as that the most unfit men imaginable shall be installed in the office of the ministry; yea, and now likewise some such might be instanced if it were fit. Now, albeit it be hard for private persons to take upon them to unminister such as are *coram hominibus* (though not *coram Deo*, in God's account, wanting these qualifications which his word requireth) installed in the office, yet, when the standing, clear, and undeniable laws are rejected, and such put in place who would not once be evened thereunto if the qualifications which the word requireth were once eyed, they cannot be condemned for withdrawing from such, and for refusing to attend their ministry, or to countenance and encourage them as lawful ministers of Christ ought to be countenanced and encouraged. It is likewise certain that private Christians may know whether such an one be ordained according to the primitive order, or only hath the prelate's hands laid on him, or no imposition of hands at all, and, accordingly, may carry themselves towards such.

12. It is certain there is much corruption in the way of their entry, if not a whole mass of corruption, all circumstances being considered; and so the yielding obedience unto this act now, when these corruptions are well known, should be an approving of these corruptions, whereas they should partake of no man's sin, but keep themselves pure, and bear testimony against these corruptions so far as they can; and there is no other way for them now to do it but by refusing to yield obedience unto this act: there is no access for complaints, and such as would but petition should in so far accuse themselves.

13. To yield obedience to this act, and attend the ministry of such when there are others to be heard, either in public or private, were to wrong their own souls, to mar and hinder their own edification and spiritual profiting, by running to cisterns without water. What blessing can be expected upon the preaching of such as have palpably perjured themselves in owning the prelates; as have made defection from the truth, and are prosecuting a course of defection, and making themselves captains to lead the people back into Egypt; as stuff their preachings with railing against the work of God and power of godliness; as encourage pro-

fanity and wickedness, and are themselves patterns of all profanity and debaucheries? Can it be expected that God will bless such as are thus qualified for the service of Satan, and are driving on his design? Can it be expected that God will countenance such as run unsent, and are thieves, climbing up at the windows, and are not entering in by the door; who feed themselves and not the flock, who strengthen not the diseased, nor heal that which was sick, nor bind up that which was broken, nor bring again that which is driven away, nor seek that which is lost; but with force and cruelty rule over them? Will God bless such whom he solemnly protesteth by his oath that he is against? Ezek. xxxiv. 10. And, seeing a blessing cannot be expected upon their labours, but rather a curse, as daily experience maketh good, when it is seen that even such as had something like parts before are now totally blasted of God,—their right eye almost already put out, and their right arm dried up,—how can any think of attending their ministry, when, instead of any work of conversion or conviction among people, there is nothing seen but a fearful hardening in profanity, so that such as seemed to have something like religion before, now, through hearing of them ordinarily, are turned altogether loose and profane. Is there not a seen curse upon them and their labours? Who then can adventure to obey this act? Hath it not been seen how signally God hath testified his displeasure against some who, for fear or somewhat else, over the belly of their light, would obey the act; and, upon the other hand, how he hath signally approved such who have resolved to suffer rather than sin upon that account? Instances of both might be given were it pertinent. Shall it then be safe for any to seek the law at their mouth, seeing it is so much to be questioned if they be the messengers of the Lord of hosts, and so clear that they are departed out of the way, and have caused many to stumble at the law, and have corrupted the covenant of Levi, and are now made so contemptible and base before all the people? Yea, where there is no such hazard of being misled, it is lawful for people to go and hear such ministers as they profit most by, as worthy Dr Voetius clearerth, *Polit. Eccles.*, p. 72, from these grounds: 1. People should choose the best and most edifying gifts; 2. Scripture favourerth this choosing, Luke viii.

18; 1 Thess. v. 21; and he further there answereth three or four objections. Much more will it be lawful for people to hear other ministers in the case now under consideration.

14. Christ alloweth his people and followers to refuse to hear such unsent and false teachers as it is enjoined in the act, John x., where he giveth it as a mark and character of one of his sheep, that he will not follow a stranger, but flee from him, for his people know not the voice of a stranger (ver. 5). And who this stranger is the former verses show, where he is called "a thief and a robber," ver. 1.; and that because he entereth not in by the door, but climbeth up some other way, and wanteth those qualifications of a good shepherd mentioned, ver. 3, 4. And therefore it cannot be sinful or unlawful to refuse obedience unto that act, seeing such as are now commanded by the act to be heard are, as to their entry, intruders, and in their doctrine erroneous, and, as to the discharge of their trust, mere hirelings, and therefore must not be hearkened unto, but fled from. Calvin on the place saith, "This is the spirit of discretion by which his chosen ones do discern the truth from men's fictions. And their obedience herein is commended, not only in that they pleasantly meet together when they hear the voice of a true shepherd, but also in that they will not hearken unto the voice of a stranger." It is one of Mr Hutcheson's notes upon the place, that "the true sheep are so far enabled to discern false teachers and corrupt doctrine, as they do approve of neither but will flee from them, that they be not infected nor ensnared with their allurements; for a stranger they will not follow when he calls them to follow him in a wrong way, but will flee from him (as one they will having nothing to do withal), and that because they know not the voice of strangers; that is, they do not approve them, though they have a knowledge of discerning whereby they know them and their doctrine to be nought. This is asserted of Christ's sheep, not because they cannot at all err, nor yet only because it is their duty thus to do (for that is common to them with reprobates), but because, when any do either embrace false doctrine, or fall in liking with corrupt men who run unsent, it is no sign of their grace, but of their corruption so to do.

It will be objected, 1. That Christ com-

mandeth to hear the scribes and the Pharisees who did sit in Moses' chair, Matt. xxiii. And those of whom now the question is are not worse than the scribes and Pharisees were; and therefore it cannot be lawful to refuse obedience unto this act. *Ans.* For solution of this objection, which seemeth to be the main one, these things would be considered: 1. That those scribes and Pharisees were as naughty men as then lived upon the face of the earth, and were still enemies unto Christ, and were false teachers; their doctrine was leavened with sour and dangerous tenets, among which this was a chief, That Christ was not the Messias; and upon this account Christ desireth his disciples to "beware of the leaven of the Pharisees," Matt. xvi. 6. 2. They were men that had no lawful call unto that place which they did assume to themselves, which appeareth from these particulars: (1.) Christ calleth them thieves, and robbers, and strangers, John x. 1, 5, 8, and that not merely because of their false doctrine, nor yet merely because of their carnal way of entry, as hirelings seeking gain, but also because of their usurping the place and office, and entering thereinto without a call from God; for the ground and reason why Christ calleth and proveth them to be thieves and robbers is, because they entered not by the door, but climbed up some other way, and the porter did not open unto them (ver. 3), and they came before him; that is, without his warrant and commission: they took not the right way of entry, they came not in at the right door, and with God's approbation. (2.) Matt. xv. 13, Christ calleth them plants which his "heavenly Father hath not planted," and there he is speaking of themselves (and not of their doctrine only), who were offended at Christ's doctrine, and it was them (and not their doctrine alone) that Christ would have his disciples to let alone: "Let them alone (says he), for they be blind leaders of the blind;" and this will suit the scope very well; for his disciples had laid some weight on this, that they were men in office, and therefore the stumbling and offending of them seemed to be some great business. But Christ replieth, that albeit they had been planted, or had planted themselves, in that office and charge, yet they were such plants as his heavenly Father had never planted, and therefore they were the less to be regarded. Gualther on the place saith, "That it is clear, out of



history, that God did never institute the order of the scribes which then was, far less the Pharisees and Sadducees; but they had their rise from that Greek or heathenish school, which Jason, whom Seleucus made high priest, did institute in Jerusalem, contrary to the law; and that the Pharisees did spring from the Stoics, and the Sadducees from the Epicures?" And citeth in the margin, 1 Mach. 1, and 2 Mach. 4. So, *ibid.*, he giveth the sense of that word, "let them alone," *discedite ab eis*,—go away from them. (3.) The place which they had assumed did properly and of right belong unto the priests and Levites, as Pareus hinteth on the place; yet these, because of their learning and pride, thinking themselves only worthy to be in office, took upon them that place, without any further call; which is the more likely, considering, (4.) That those times were times of confusion and disorder, so that (as Grotius observeth) there was no care had about this business, but every man who pleased was free to take upon him to instruct and teach the people; and this is confirmed by that passage, Acts xiii. 15, "And after the reading of the law and the prophets, the rulers of the synagogue sent unto them, saying, Ye men and brethren, if ye have any word of exhortation for the people, say on." Consider, 3. That though the words (ver. 2), be rendered, "They sit in Moses' seat," they may be as well rendered, *They have set themselves down in Moses' seat*. Pareus, on the place, doth fully clear this, where he saith, "In my judgment *ἐκάθισαν* is better rendered with the ancient Latin edition, *sederunt*,—they did sit, than as now commonly, *sedent*,—they do sit; for that phrase of sitting in Moses' seat signifieth the office of teaching publicly the doctrine and law of Moses. The verb in the aorist taketh not from them, but giveth unto them the present ordinary office of teaching; but, withal, it importeth that this sect had, by hook and crook, usurped this office and place which, at the first, was given by God unto the priests and Levites. They have sitten; that is, they have set themselves down in that seat of Moses which they now possess; for the verb *καθίζω* doth signify not only neutrally to sit, but also actively to cause to sit, to place in a seat. Thus he. And Scapula indeed rendereth the verb actively, "to cause or command to sit," and citeth authors for it: so doth Pasor say, that pro-

perly it signifieth to "place in a seat," or "to cause one sit." 4. There is no word of a command here given to his disciples (to whom, with the multitude, he is speaking) to attend the ministry of the scribes and Pharisees; for if he had commanded them to do so, it is like the disciples would have done so in obedience to Christ's command; but the Scripture speaketh nothing of this. And then they should have left Christ and followed the Pharisees, which is not very probable; and Christ himself would have taught them to do so by his own example, for he came to fulfil all righteousness; but there is no word of this either. 5. By the contrary, Christ is so far from commanding his disciples and others to follow their ministry, that he dissuadeth them therefrom, not only, elsewhere, calling them "blind leaders of the blind," and such as should be let alone, and fled from as impostors, (Matt. xv. 13, 14), and saying, (John x. 4, 5), that the sheep know the voice of a lawful shepherd, but not the voice of a stranger; yea, they will not follow a stranger, but will flee from him: and this is meant of the Pharisees, as any may see who will look back to the end of the 9th chapter; but also in this same chapter throughout, showing at great length how naughty and perverse men they were, denouncing many a heavy woe and curse upon them, and at length he calleth them a "generation of vipers," and serpents who could not escape the damnation of hell, (ver. 33); all which is but small encouragement to his disciples and hearers to follow them, or attend their ministry. And it is observable how fitly many of the particulars for which here Christ denounceth a woe unto these Pharisees do agree unto the persons concerning the hearing of whom the question is: As, (1.) "Woe unto you, scribes and Pharisees, hypocrites! for ye shut up the kingdom of heaven against men: for ye neither go in yourselves, neither suffer ye them that are entering to go in." (2.) They are at great pains to bring poor simple people over to their opinion, and make them proselytes, and, when they are made such, they make them the children of hell with themselves. (3.) As the scribes and Pharisees taught people shifts to evade the bonds of oaths, telling them that it was nothing to swear by the altar, or by the temple, so do these excel in that art of teaching perjury, and loosing the knots of covenants and oaths, as is too well known.

(4.) They are much taken up with punctilios of formalities, and in causing people attend all their nods and desires; but as for the weightier matters of the law, judgment, mercy and faith, they cast these behind their back. (5.) They declare themselves the children of them who killed the prophets, and are fast filling up the measure of their fathers. But, indeed, (6.) They are behind the Pharisees in cleansing the outside of the cup and platter, and in appearing like whited tombs; for they have no show of piety, and therefore are so much the more to be shunned, and may certainly, unless they repent, expect all the woes that here are denounced upon the scribes and Pharisees. 6. It would be considered, for further confirmation of the last particular, that the main thing which Christ is pressing upon his hearers here is, that they would beware to follow the practices of these Pharisees, for all that high place which they took upon themselves in the church; and, on the by, as it were, he speaketh anent their receiving of their true doctrine, by way of concession, or of their doing and observing whatsoever they delivered, as sitting in Moses' seat, whereof they were presently in possession, by their usurpation, and while there were no other ordinarily occupying that seat at that time. So that, these things being considered, it will appear that this place maketh no way for the attending the ministry of such men, there being no command here to hear the Pharisees at all, let be to hear them always and constantly; only a command there is to do and observe what they, from Moses' law, bade do and observe, which may import a hearing of them expounding the law of Moses while there were no other ordinary teachers of the law. But if this place prove not (which it will never do) that the ministry of these scribes was to be constantly attended, it will speak nothing against those who could not obey that act.

It will be objected, in the next place, that refusing to give obedience to this act will be separation from the church and ordinances, which are not, nor yet can be corrupted by the corruption of administrators. *Ans.* For clearing of this, let these things be considered: 1. Corruptions in administrators are of two sorts,—some personal; and these, alone, it is true, cannot defile the ordinances in their hands, and make them no ordinances: others are, to speak so, min-

isterial, or such as affect the office;—and these, again, are either of smaller moment and less dangerous, or else such as cut the very throat of the office, and make one no officer. And, without all question, those corruptions that destroy the office in its essentials, and make the man no minister, do corrupt the ordinances in his hands. He who is no minister cannot baptise, nor administer the sacrament of the Lord's supper, nor preach with authority, as a minister, and he can do no ministerial act; and it is past questioning that such may be shunned without all hazard of separation. And of this sort it may be some of those now spoken of are. 2. When personal faults are very gross and palpable, open and avowed, such may be shunned without any hazard of separation, because that man's being an officer, *coram Deo*, is much to be questioned, and there is great probability that, *ipso facto*, in the court of God, he hath faulted the same, though such should be the corruption in a church, that, notwithstanding of all this, he may be maintained. But, 3. Separation is one thing, and not-hearing such or such a man is a far other thing: there may be many just grounds of exception against such or such a particular person why he should not be countenanced as a minister, or why people may refuse to countenance him, without any hazard of separation or joining with Separatists in their principles. Every not-hearing is not separation. A man may many a time be absent from hearing and yet cannot be justly charged with separation. Yea, separation is one thing, and refusing to attend the ministry of such or such a man is another thing. A man may never hear such or such a man preach, and yet be no separatist from the church wherein he liveth; for he may join with the ordinances in another congregation, and so testify that he hath no prejudice against the ministry, nor against the ordinances of Christ, nor against the church, but only a prejudice against such or such a man in particular. 4. So then, so long as the refusers to obey that act do not cast at the ordinances, but are willing to run many miles to enjoy them, though they should be inhumanly used by the way, by soldiers led forth of purpose for that end; nor cast at the church as no church (though they sadly fear that God shall be provoked by this dreadful defection, which is carried on by these men and their favourers, to give her a bill of divorce); nor at the ministry,

for they love those who stand by their principles dearly, and are most willing to hear them, either in public or in private, whatever inconvenience or suffering may follow thereupon. 5. It is granted by all such as write against Separatists, that separation from a church is lawful when the case so falleth out that union cannot be kept up with her without sin, much more will a forbearing to haunt the ordinances in such a particular parish, and to attend the ministry of such a particular person, be justified, as no sinful separation, when the contrary cannot be done without sin; and so it is in this case, as hath been shown above. Reverend and famous Dr Voetius, *Polit. Eccles.*, p. 68, quest. 17, granteth, that upon some such occasion one may abstain from explicit communion with a particular church for these reasons: 1. Such communion is not absolutely necessary, *necessitatē medii*, nor yet *necessitatē præcepti*, when the Christian shall have more peace of conscience and free exercise of Christian duties elsewhere. 2. Such persons may keep communion with other purer churches in other places. And famous Mr Rutherford, in his *Due Right of Presbyteries*, p. 253, 254, where he is laying down some considerations about the degrees of separation, sheweth us, That there is "a separation negative," or a non-union, as that in Augustine's time, when the faithful did separate from the Donatists, which is lawful and laudable. Now if there be a separation here it can only be a negative separation, and not a positive separation. He sheweth us again, *ibid*, That there is a separation from the church in the most and worst part, and a separation from the least and best part, and that those who separate from the worst and greatest part do, notwithstanding, remain a part of, and a part in the visible church, because they do not separate from the church according to the least and best part thereof; as the godly in England who refused the popish ceremonies and antichristian bishops. Hence it will follow, that though now people should withdraw from communion with the greatest part of the church, which is now corrupted, they cannot be accounted Separatists, because they hold still communion with the better though lesser part. Moreover, he saith, p. 254, 255, That there may be causes of non-union with a church which are not sufficient causes of a separation; as before the Jews came to blaspheme openly

(as they did, Acts xiii. 44—46; xviii. 16), there was no just cause why any should have joined to the church of the Jews, seeing there was a cleaner church to which converts might join themselves, Acts ii. 40—42. And whether or not the reasons formerly laid down will be a just cause of non-union (which is all we plead for), let the reader judge. Lastly, he tells us, *ibid*, p. 255, "When the greatest part of a church maketh defection from the truth, the lesser part remaining sound, the greatest part is the church of separatists, though the many and greatest part, in the actual exercise of discipline, be the church, yet, in the case of right discipline, the best, though fewest, is the church; for truth is like life, that retireth from the many members unto the heart, and there remaineth in its fountain in case of danger." So that it is the major part, which hath made defection, that is to be accounted separatists, and not such as stand to their principles, though they cannot comply, or join with the corrupt majority. Hence it is abundantly clear, that such as refused to obey this act cannot be accused as guilty of sinful separation.

It will be objected, thirdly, that by refusing to obey that act, they declare they look not on these men as ministers; and, if they account them no ministers, they must say that their baptising is no baptising, and also, that the church of Scotland now is no organical church; and that such do well who refuse to bring their children unto them to be baptised. *Ans.* 1. Though it were affirmed positively (as it is not) that all of these men were no ministers, yet it would not follow that the church of Scotland were no organical church, because all those ministers who are now violently restrained from exercising their ministerial functions are ministers and officers of the church of Scotland, though bound up from exercising their office; for as no deed of a magistrate can loose a minister's relation (so long as his life is in him) unto the church universal, so no deed of the magistrate's can loose a minister's relation to the national church whereof he is a member, so long as he remaineth *civis regni*, and is not banished out of that kingdom. Yea, reverend Apollonius, in his *Jus Majestatis circa Sacra*, part 1, p. 331, thinketh, that when a minister is wrongously put from his charge by a magistrate, he remaineth still a minister of that church from which he is ba-

nished, *jure divino*, because of his call, and hath a right to exercise all his church power there : as a wife ravished from her husband remaineth still his wife, because of the marriage covenant, which is inviolable ; and therefore all these ministers who are yet within the kingdom are real officers of the church of Scotland, and full and complete officers as to the power, only they are violently restrained from the actual exercise of that power. And therefore the church of Scotland is still an organical church, as a man is an organical body when bound hand and foot, so as he can neither work nor walk. But, 2. Whatever may be thought of some of these men (whose being real officers in the church of God, as was said, may much be questioned), and what sad consequences may follow upon the nulling of their office let those see to it who neither send such forth or employ them. Yet, as to all of them, this forbearing to yield obedience unto this act will not ground the consequence alleged ; for there is a difference betwixt the not owning and discountenancing of a man as no minister at all, or no minister of the church universal, and disowning or discountenancing him as not being their minister in particular, or as pastor of such a particular flock. It is certain a man may be a minister of the church universal, and yet not the minister of such or such a particular place : it is certain a man's relation unto such or such a particular flock may be changed by transportation, when his relation unto the church universal abideth ; and so it is certain that a denying of one to be a minister of such or such a particular flock will not, by any good consequence, be a denying of him to be a minister at all. Many things may loose a minister's relation to such or such a particular congregation, which will not annul his relation unto the church universal ; and, when his relation to such a particular flock is loosed, that particular flock is loosed from being a flock owning him as their minister, for *relata se mutuo ponunt et tollunt*. And when such or such particular persons refuse to own such a man as their pastor in particular, it cannot be inferred that therefore they deny him to be a minister at all, unless this consequence were good. He is a minister in general to the church universal, therefore he is a minister in particular to such a particular flock. It is ill arguing *a genere ad speciem*, or *a specie ad individuum affir-*

*mative*. So then there can no such thing be concluded from their practice who refuse to obey that act. As for their refusing to bring their children unto such to be baptised, judicious and learned Voetius, in his *Polit. Eccles.*, p. 640, doth approve of it upon these grounds : Because no necessity compelleth them to it, and they may wait until they have the occasion of a better minister either in their own parish or in another ; for if the best gifts be to be coveted, 1 Cor. xii. 31, why should not the best ministers be preferred ? And why should not Christians show by their deeds that their delight is in the saints, Psal. xvi., and that they honour such as fear the Lord and condemn a vile person, Psal. xv. So, p. 638, quest. 8, he saith the same, for these reasons : 1. They should not partake of other men's sin, 1 Cor. v. 9, 11 ; Ephes. v. 11 ; 2. They should not strengthen the hands of the wicked, and make sad the godly ; 3. The authority of such ministers should not be strengthened, &c. See further, p. 637, quest. 5.

Lastly, It may be some will object that passage Phil. i. 18. "What then ? notwithstanding every way, whether in pretence, or in truth, Christ is preached ; and I therein do rejoice, yea, and will rejoice ;" and hence gather, That, seeing the apostle Paul was glad that the gospel was preached, whatever the men were who did preach it, all should now be so far from refusing to hear the gospel preached, because of some prejudices which they may have at the men who are employed in that work, that they should be glad, and rejoice that there are any who will preach truth, and should rather encourage than discourage such. *Ans.* 1. Those of whom the Apostle there speaketh were not false teachers, or such as did pervert the right ways of the Lord, but were, it seemeth, orthodox in their doctrine, only they were prompted to it by an evil spirit of envy and contention, that they might some way or other (unknown to us, who, as Calvin saith on the place, are ignorant of the circumstances of the time which would clear us) increase Paul's trouble and affliction ; and, therefore, there is a difference betwixt them and those of whom our present dispute is, who, as was shown above, are perverting the right ways of the Lord. 2. The Apostle speaketh nothing of hearing, or not hearing of them, only he says that those ambitious and malicious preachers did miss their mark ; for, whereas they thought to

make his heart sad, and so add affliction unto the afflicted, by the contrary, he would rejoice that, whatever their intention was, God was using them as instruments for carrying on his work. 3. In the best of times there may be some such naughty ministers, as mainly design, by their preaching, some hurt to the eminent and worthy servants of Christ (famous Calvin found this true in his own experience, as he saith on the place), and yet may carry themselves outwardly so fair as that great and public scandals cannot legally be fastened upon them; and it may be that those of whom Paul speaketh here were such: and, if so, there is, as was shown above, a vast difference betwixt them and those concerning whom the question now is. 4. Or, be it so, that they were most vicious and outwardly loose and profane, yea, and persecutors, there is nothing here warranting a constant or ordinary hearing of them, or an owning of them as lawful ministers of Christ. All that is here is a rejoicing that the gospel was spreading, though Satan and Satan's instruments were employed therein, far against their intentions. There is nothing which can import Paul's approving of such as lawful ministers; for, as judicious Calvin saith on the place, "Though he did rejoice at the gospel advancing, yet, if it had been in his power, he would never have ordained such to be ministers of the gospel." So, though the godly now would rejoice if they saw the kingdom of Christ prospering, by the mighty power of God carrying on the same, far contrary to the intentions and designs of such as now call themselves ministers of the gospel (which, as it doth not sensibly appear unto them, so it altereth the case far), yet it will not follow that therefore they are bound to own such as lawful ministers of the gospel; for, as Calvin saith on the place, "We must rejoice when God bringeth any good to pass by wicked instruments, and yet therefore such are not to be put into the ministry, nor to be accounted lawful ministers of Christ." So that this place can prove nothing, but that Christians should rejoice when they see the gospel promoted by the hands of wicked instruments, contrary to their intention and purpose, through the mighty power of God outshooting the devil (as we say) in his bow; and not that they should own such as lawful ministers of the gospel, and constantly attend their ministry, when they may profit more another way, and when their counte-

nancing these men so shall harden their hearts in their evil ways, shall stumble the truly godly, shall wrong their own souls, and dishonour God. Rejoicing at the gospel's prospering is one thing, and countenancing, encouraging, receiving and approving of every one who giveth out himself for a minister thereof, be he otherwise never so vicious and insufficient, is a far other thing; and the one will no way infer the other, as any with half an eye may see. Therefore, whatever these preachers were,—whether such as sought praise of men, preaching out of envy, that Paul might not get all the glory, and withal indirectly accusing Paul for rashness and imprudence, and as justly suffering upon that account, to the reproach of the gospel and scandal of the weak, as Arius on the place thinketh; or such as desired to procure his death, that Nero, through their preaching, hearing of the general dispersing of the doctrine taught by him, might be thereby enraged to take away his life whom he had now in bonds, as the English Annotators think, or both, there is nothing here that can, with any show of probability, plead for hearing of, and owning as ministers lawfully called, such as are spoken of in this debate.

#### SECTION XVI.

IT IS LAWFUL FOR SUCH MINISTERS AS ARE BANISHED FROM THEIR FLOCKS, TO PREACH WHEREVER THEY BE, EITHER IN PUBLIC OR PRIVATE.

When thus the honest ministers, whose labours God had singularly blessed among the people, are thrust from them by force, and insufficient, scandalous and naughty men, are thrust in upon them, sore against their will, their trouble and trial is made to grow daily; for now their meeting in any quiet place to hear any honest man preach the gospel of Christ is called a conventicle, and diligent search is made after such, to the end that both they and the minister whom they hear may be apprehended and punished according to the pleasure of these persecutors. And thus the honest and zealous servants of Christ are either put from making mention of the name of the Lord at all, whether in public or in private, or brought into great trouble and hazard thereby. Is it not a very sad and astonishing

thing that, when whole country-sides are almost laid waste, people wandering from place to place seeking the word of the Lord, and thousands are perishing for want of knowledge, and multitudes deluded with false teachers, such ministers as were driven from their own flocks might not lay out themselves for the good of perishing souls, and do what they could for instructing, strengthening, and comforting of the poor, afflicted and persecuted people of God? May not this be matter of admiration, that any upon this account should be put to suffer? And, certainly, none with any show of reason will condemn those ministers if they take notice of these few particulars following:—

1. Though they were banished by the sentence of a civil judge, yet they remained still ministers: no such sentence of a civil magistrate can depose a minister from his office. The spirit of the prophets, as to this, is subject to the prophets only. It is true it followed upon their banishment, as a necessary consequence, that they could not exercise the ministerial function in that place out of which they were banished, but, notwithstanding of any act of banishment, they remained ministers; for there is no such connection betwixt their being ministers and their being in such a place. And all the sentence of the magistrate reached only to their being, or not being, in such a place. All this will be beyond dispute with such as are not gross Erastians; for no reformed divine will acknowledge that the civil magistrate can immediately depose a minister, far less can he do it by the sole act of banishment. So then, this is clear, that those ministers who were banished from their own parishes remained still ministers of the gospel, yea, and, as hath been said in the foregoing section, ministers of the church of Scotland.

2. It is no less clear unto all such as have not drunken in Independent principles, that all such as are ministers have a relation unto the church universal, and unto the national church wherein they are, and so may, wherever they are, discharge the duty of ministers in preaching and administering the sacraments.

3. Not only may they do so, but there is a necessity laid upon them to preach the gospel, and woe is due unto them if they do it not, 1 Cor. ix. 16. If once they have given up themselves unto Christ, as servants

to him, they must resolve to be employed for him to the utmost of their power, and must not think of laying up their talent in a napkin, lest they get the wicked and slothful servant's reward. They have a divine command to preach "in season and out of season," and to lay out themselves to the utmost for Christ and his interest. This will also be undeniable, especially considering, in the next place,

4. That there was never greater necessity for their bestirring of themselves as faithful ministers of the gospel than now, when there are so many thousands left destitute, and so many led away with false guides, who make it their work to deceive people, and to pervert the right ways of the Lord, and so many ready to faint under persecution and sore affliction. Is not the harvest now great, and are not the labourers few, when a man shall go many miles before he shall hear any honest minister? And should such on whom God is calling aloud to teach, exhort, and comfort, be silent now? Is not Satan busy leading some away to Atheism, others to profanity, some to Popery, others to Quakerism? And doth not this call aloud on all who would be faithful to their Master to be actively bestirring themselves now, for the good of souls and for the glory of God? Are there not many honest followers of Christ lying under sore oppression and bondage, their spirits being grieved and their souls wasted with hearing and seeing what they do hear and see? And have not these need to be comforted and cheered up under the cross? Doth not God allow consolation to such? and is he not calling on his servants to speak comfortably to such? Are there not many almost fainting by reason of their weakness and the continuance of the trial, and should not ministers mind that command, 1 Thess. v. 14, "Comfort the feeble-minded, and support the weak?" Are there not many in hazard to be led away with the temptations of the time? and hath not Satan many instruments wearying themselves in this service of seducing poor people, and drawing them into their nets and snares; and should not ministers be doing what in them lieth to keep out of the snare such as are in hazard, and to recover such as are already ensnared out of the hand of the devil? Great, then, is the necessity that poor people are into, and double must the woe be that abideth such ministers as are silent at such a time, when all things call

upon them to lift up their voice like a trumpet, and to show people their transgressions and their hazard, and to be burning and shining lights, that such as walk in darkness may see their way and be comforted.

5. Such a practice is abundantly warranted by the apostles and other church officers in the primitive times; for they went to several places and preached the gospel: when they were persecuted in one city they went unto another, and still preached the gospel wherever they came. The history of the Acts of the Apostles aboundeth with instances of this kind, so that it is needless to cite any. If it be said that these were extraordinary officers, apostles, prophets and evangelists, who were not fixed to any one place, as the ordinary officers were, it is answered, That preaching of the gospel was not the characteristic of unfixed officers, but common to them with fixed pastors and doctors; and preaching unfixedly was not always their note and essential mark, because, in times of persecution, pastors and doctors might have preached, wherever they came, as the officers of the church of Jerusalem did, who, being scattered abroad upon the persecution of Stephen, (Acts viii.) did go "everywhere preaching the word," (ver. 4.) Those who were scattered behaved to be the fixed officers of the church of Jerusalem; for it is not probable that the apostles would have left that church of Jerusalem so long without preaching officers, fixed for preaching and administering the sacraments, seeing they had instituted deacons, who were less necessary (Acts vi. 1—4), and seeing themselves were not fixed there, but were to go through the world, according to Christ's appointment and the direction and guiding of the Spirit.

6. So is it warranted by the practice of the faithful and honest servants of Christ in all ages, who, through persecution, being thrust from one place went and preached the gospel in another; both in the time of the first ten persecutions, through occasion of which the gospel was spread far through the world, and at several times since. The honest servants of Christ in Queen Mary's days went abroad preaching the gospel; so did the zealous servants of Christ in Scotland, when banished, or compelled to flee, preach in England, France and Holland, without any new ordination, or anything like it.

7. There is some necessity lying upon

them to preach as occasion offereth, that they may not stumble the poor ignorant people, who, upon their silence, are ready to think that the civil magistrate hath power to depose ministers formally; and therefore, if there were no more but this, it were enough to provoke them to preach, that the world might see that they put a difference betwixt the power of the magistrate and the power of the church; and that, when they submit unto the magistrate, keeping within the compass of his calling, and exercising that power which formally agreeth to him, though he should mistake as to the application, they will not submit any further to the wronging of the privileges of the church: and so will let the world see that they are still ministers of the gospel though banished from their particular flocks.

8. Their silence in such a case would be stumbling unto others, who look upon it as an evidence of fainting and fear in them, who dare not open their mouth, nor appear for Christ, and speak to the edification and encouragement of sufferers, lest it offend the magistrate; and when such are so faint-hearted, how doth it discourage others, and strongly prevail with some to go over the belly of their own light and conscience, yea, moreover, it hardeneth the wicked in their evil courses, and encourageth them to persecute more and more, when they see such fainting and discouragement among the followers of Christ.

So then, when these particulars are considered, it will be found that such ministers do but their duty, and that they would come short in their duty if they did not so preach the gospel.

If it be objected here, that to preach in such a disorderly way would be a breaking of the established order of the church, namely, a preaching within such a bishop's diocese without his license, and so it would be a course not approved by the God of order, it is answered, 1. That ceremonies, or matters of mere order, must be passed by in times of necessity such as this is. 2. Such an established order as tendeth to the ruin of religion is but iniquity established by law; for that is not an order of God's appointment which is destructive to the main business, namely, the edification of souls, and, therefore, such an order which is to destruction and not to edification is not to be regarded. 3. Where is there any warrant for such an order or appointment in all the

fully constituted, cannot condemn this ; but, according to their principles, must preach,—for no doubt the power of prelates is much more to be questioned than the power of such Assemblies ;—and even many who will stand to the justifying of that Assembly will never justify the power of prelates,—and therefore it cannot but be expected that such as thought the sentence of that controverted Assembly null should now look on the sentence of a prelate as null and of no effect, and therefore as little, if not less, to be regarded and submitted unto.

5. Beyond all question it is a sentence proceeding from such as have no power, and therefore ought not in conscience to be submitted unto. A minister who is called of God must not lay aside his office, or the exercise of his office and power, upon every man's desire ; but, if he be exauctorated at all, it must be by such as have lawful authority for that effect, unto whom he is bound in conscience to subject himself ; and so he shall have peace, though the sentence be passed *clave errante*, unjustly. There will no man quit any of his goods upon a sentence coming from an incompetent judge, and shall a minister quit his ministry, which should be dearer unto him than anything else, upon a sentence proceeding from an incompetent judge, or a private person ? This, in reason, cannot be expected.

6. If so be they should submit unto this sentence, and account themselves no ministers, it would follow that, though the prelates were all away, they might not preach nor exercise any ministerial act until a church judicature would take off the sentence again, and then not only they, but the church judicature also, in so doing, should acknowledge the validity of the sentence, and, consequently, the lawfulness of the power from which it did flow.

But it will be objected, 1. That that sentence cometh not from the bishop alone, but from a synod whereof he is only the moderator. *Ans.* Though the sentence be given out at the meeting of such as are underlings to, and compliers with him, yet the sentence is only his sentence, and this he is pleased to signify unto all, at their meeting, lest they should forget it, and so mistake him and themselves both ; and he, indeed, maketh a fashion of asking their votes, to the end they may be partakers of the guilt and of the odium with himself, but he acknowledgeth them to have no power, unless

it be to give their counsel and advice. But, 2. It hath been shown above that such meetings are no lawful church judicatures, no presbyterian meetings, but prelatical conventions and conventicles, set up of purpose for his ends and for the carrying on of his designs ; and their not compearing before these meetings saith they did not acknowledge them to be lawful meetings, and therefore they cannot now acknowledge their sentence.

It will be objected, 2. That though they ought not to be submitted unto as prelates or courts of prelates, yet they ought to be submitted unto as the king's commissioners ; and their sentence is in so far to be revered. *Ans.* Whether they sit and act there as principal or as commissioners, yet any such sentence proceeding from them is *a non habente potestatem*,—from such as have no power ; for of themselves they have no such power, and they can have no such power from the king, for, *nemo potest dare quod non habet*, the king cannot give them church censure of suspension or deposition the power which he hath not,—the king cannot depose a minister immediately. It is true he may put a lawful judicature to whom this power doth properly belong to do it, or he may imprison or banish, and, consequently, put from the exercise in such a place, but formally he cannot give out any against any minister, and therefore he can commit no such power unto any man, whether he be a civil or a church man. And thus it is still clear that this sentence should not be submitted unto, if it were no more but for this one cause, because it should be an acknowledging of the magistrate's power in the matter of church censures, which is an assertion unto which no sound reformed divine will assent.

It will be objected, 3. That, seeing it is certain such shall be put from their ministry ere long, however,—for if they submit not unto the sentence, the civil magistrate will either banish, or imprison, or some other way put them from it, whether they will or not,—were it not safer, then, to prevent further suffering to themselves and theirs by submitting in time ? *Ans.* It is true that in all probability the civil powers will not suffer such to preach long, after such a sentence is disobeyed, but yet it is the duty of all so to carry themselves, when suffering is at hand, as that they may have most peace of conscience and quietness un-



der the cross; and it is certain they shall have far more peace who continue preaching as opportunity offereth, notwithstanding of any such sentence, until some physical restraint, or what is equivalent, be laid upon them, than such as shall willingly submit unto an unlawful sentence, proceeding from an unlawful judicature, deriving power from an empty fountain, and thereby give offence and great scandal both to good and bad.

It will be objected, 4. That submission to judicatories established by law is necessary: either obedience active or passive, otherwise there shall be no order. *Ans.* Whatever may be said anent submission or non-submission unto the unjust sentences of lawful judicatories, yet it will be clear that no submission should be yielded unto the unjust sentences of unlawful judicatories; for the authors of the review and examination of that book entitled, *Protesters no Subverters, and Presbytery no Papacy*, grant (p. 96) this much, saying, "We plead not for submission to officers and judicatories not of Christ's own institution, such as not only popes but prelates,—and were no lawful church officers, so that here their arguments conclude not, taken from the practice of ministers not submitting to the sentences of prelates in the church." So that, then, all the church of Scotland, as to this particular, it seemeth, was of one judgment, and thought that ministers should not submit unto prelates passing a sentence of suspension or deposition against them,—these prelates being no lawful church officers. And so it is clear that this non-submission in this case is no new thing in that church, but was the practice of several worthy and precious men before, as the book before-mentioned sheweth, which instances are worth the noticing now.

### SECTION XVIII.

IT IS LAWFUL FOR THE PEOPLE TO HEAR THOSE SUFFERING MINISTERS, AND TO MEET FOR PRAYER AND OTHER CHRISTIAN EXERCISES IN PRIVATE.

When the poor people cannot in conscience attend the ministry of such as are thrust in upon them against their will, for the reasons already given, their temptation groweth double upon them, and their trou-

ble increaseth; for now, when they go to hear such ministers as they may lawfully hear either in public or in private, it is a cause sufficient for persecution; yea, or if they meet two or three together in any private place for prayer, conference, or any other Christian exercise, they are in hazard to be hailed to prison and punished as keepers of conventicles.

Doubtless it cannot be very necessary to speak much for the justification and defence of those who either have suffered, or may hereafter suffer, upon that account, seeing few who own Christianity, or know the sweets of Christian exercises and of Christian fellowship, will condemn such as value the good and advantage of their souls beyond their bodies; yet, lest some should be moved to think that at such a time such ways should be forborne, a little must be spoken to justify both those courses.

And, first, for their going to hear, either in public or private, such ministers as are still lawful ministers, whatever sentence hath passed against them, and have given a faithful testimony unto the truth, by adhering to their principles, notwithstanding of all the sufferings they do, or can meet with, much needeth not be said, seeing,

1. They are so expressly and often commanded to hear the word of truth, to hear what is the mind of the Lord; for by the ministry of his servants doth God manifest his mind unto his people: "The priest's lips should keep knowledge, and they should seek the law at his mouth, for he is the messenger of the Lord of hosts," Mal. ii. 7. It is their duty to wait at the posts of wisdom's doors: this will be undeniable.

2. There is an innate desire in the saints after the word of truth: "As new-born babes, desire the sincere milk of the word, that ye may grow thereby," 1 Pet. ii. 2. So that any who are offended with them for this must be offended with them for being Christians, and must be offended with new-born babes for desiring the breast; and is it not cruelty to smite and punish poor young babes for seeking the breast? What cruelty must this be, then, to punish such for this, to which their nature, as Christians, leadeth them.

3. They have oftentimes, through the breathing of the Spirit of God upon such exercises, found a rich income; as they got life and quickening grace that way at the

first, so have they oft found their souls revived and their hearts enlarged, their eyes enlightened, their drooping spirits encouraged, their feeble knees lifted up, their doubts answered and cleared, and their souls lifted up in the ways of the Lord, and strengthened to turn the battle to the gate, and to stand against corruption, &c. And can any blame them for seeking after those waters that they have been so often refreshed by formerly?

4. There was never greater necessity; for, upon the one hand, temptations abound, darkness, fainting, discouragement grow; and, upon the other hand, they have no other to go to unless they would resolve to drink of foul waters, which their soul abhor. Let none say that they thereby drive at separation; for they desire not to separate from the church, nor from the public ordinances, wherever they can have them without sin; they love the ordinances, only they cannot own such men as their ministers who have so palpably betrayed their trust, nor can they attend the ordinances where they cannot enjoy them to edification; and the sheep must be allowed to choose wholesome food, and not to take poison.

But is it not a strange thing that they will not suffer Christians to meet together for prayer? It would seem they look on that God to whom the saints do pray as their enemy, and that they are afraid of prayer. And, indeed, the time hath been when the prayers and fastings of the saints of God have been terrible to the great enemies of God in that land, yea, more terrible than ten thousand men, as themselves have professed. But what is this else than to banish Christianity, to profess enmity unto Christian exercises? And sure no Christian will condemn Christians for flocking together, as birds of one feather do, for prayer and other exercises in this evil time, seeing, 1. It hath been constantly practised, especially in evil times, in all ages, and why should it be condemned now? Learned Voetius, *de Polit.*, p. 969, sheweth that by this means true religion was preserved and propagated, both of old and of late, and how this course is followed where Popery reigneth, or where there is such formality as the truly tender cannot conform themselves unto. Further, he clear-eth the lawfulness of this practice from that meeting in the house of Cornelius, Acts x.,

and that other, Acts xii. 12. 2. God hath approven such, and promised to reward them that, in such an evil time, wherein the proud were called happy, and they who did work wickedness were set up; yea, they that tempted God were delivered, did speak "often one to another: and the Lord hearkened and heard it; and a book of remembrance was written before him for them that feared the Lord, and that thought upon his name. And they shall be mine, saith the Lord of hosts, in that day when I make up my jewels: and I will spare them, as a man spareth his own son that serveth him," Mal. iii. 16, 17. Would not this encourage Christians to meet together? What will do it if this will not do it? 3. The Apostle, writing to the Hebrews, (chap. x. 25) saith, "Not forsaking the assembling of ourselves together, as the manner of some is," and this is a warrant for private Christians to assemble together; for he is there pressing duties on Christians in reference to other private Christians, as considering one another, and provoking one another to love and to good works; and, for this end, presseth their frequent assembling together, not only to the public ordinances, but even also to private exercises, whereby they may the better consider one another, and, as it followeth, may exhort one another; therefore this is a commanded duty, and God must be obeyed. 4. Their necessity calleth for it, that every one should be helpful to another, and therefore they should join together as one, for the mutual relief and supply of one another: *vis unita fortior*. Eccl. iv. 9, "Two are better than one, for if they fall, the one will lift up his fellow;" ver. 12, "And if one prevail against him, two shall withstand him; and a threefold cord is not quickly broken." Who then can condemn this practice? 5. There are some general comprehensive duties required of Christians which will necessarily require their meeting together, or, by good consequence, clear the lawfulness thereof; as, (1.) They are commanded frequently to "love one another," John xiii. 34; xv. xii. 17; Rom. xiii. 8; 1 Thess. iv. 9; 1 John iii. 11; iv. 7, 12; John xiii. 35; 1 Thess. iii. 12. Now, as love in other societies necessarily effecteth a frequent assembling together, so will this Christian love draw Christians together for these ends and purposes which love setteth them on work to do each to other. (2.) They must be "kindly affectioned one

to another," Rom. xii. 10, as parents to children; and is it not ordinary to see parents and children together? And, where there ought to be such affection, can any condemn their assembling together? (3.) They must be of one mind and of one mouth, Rom. xv. 5, 6; 2 Cor. xiii. 11; 1 Cor. i. 10; Phil. i. 27; ii. 2; 1 Pet. iii. 8. And how is this possible unless they meet together to communicate their minds unto other, and to pray to God for light in any point of difference? &c. 6. There are some particular duties pressed upon Christians which will include their assembling together; as, 1. They must "consider one another, to provoke unto love, and to good works," Heb. x. 24; and this will necessarily imply their familiarity with other, and their frequent assembling together, to provoke to love, &c. 2. They must "exhort one another," Heb. iii. 13; x. 25; and can this be done if they may not confer together and assemble for this end? 3. They must "comfort one another," 1 Thess. iv. 18; v. 11, and must they not meet together, and speak together for this end, and pray that God would bless the means, and bear home the words of comfort? 4. They must "edify one another," 1 Thess. v. 11; and is it possible for them to do this duty and live as strangers one to another. This duty of edifying one another is a very comprehensive thing, and doth necessarily imply the saints' assembling frequently together, that one may be helpful, strengthening and encouraging to another. 5. They must "admonish one another," Rom. xv. 14: press or urge a thing upon the mind of another, and so instruct them aright as children are instructed; and this saith they must often be together for this end. 6. They must teach and admonish "one another in psalms, and hymns, and spiritual songs," Col. iii. 16; and can this be done unless they assemble together? 7. They must be kind, or profitable, one to another, Eph. iv. 32; and this saith they must not be strangers to other. 8. They must serve one another in love, Gal. v. 13; that is, they should spend themselves for one another for their spiritual advantage, and that in love; and should they not then assemble together? 9. They must receive one another, Rom. xv. 7; that is, receive with affection, and embrace one another; and must they then scare at the company of one another; and not rather receive other into their intimate fellowship? 10.

They must be subject one to another, Eph. v. 21; 1 Pet. v. 5; every one ready to give and to take reproofs too from another, and to do service to other as called thereto; and this saith they must not live as strangers to other. 11. They must confess their sins one to another, and pray one for another, James v. 16. 12. They must minister their gifts to one another, 1 Pet. iv. 10.

*Obj.* It will be objected, that this is sedition, and opposing of established laws, made for the good of the commonwealth, against such conventicles, and therefore such contraveners cannot be justified. *Ans.* 1. It is not for fear of any disturbance to the peace of the commonwealth that such acts are made, for a few women (who in all likelihood are able to do little that way) may not meet together. 2. The heathens did pretend this when they made laws against the meetings of the primitive Christians, and therefore their meetings were called factions and conventicles. And yet the primitive Christians did not forsake the assembling of themselves together, notwithstanding of all these edicts, and albeit that several times they were put to suffer upon that account. See this fully made out by the learned Mr Stillingfleet, in his *Origines Sacrae*, lib. 2, cap. 9, p. 316, &c. And who then will condemn these zealous Christians now for so doing?

## SECTION XIX.

### THE UNLAWFULNESS OF COMPEARING BEFORE THE HIGH COMMISSION COURT DEMONSTRATED.

To the end that the forementioned persecution of the saints and servants of God might be the better carried on, there is a High Commission court erected, consisting of the two archbishops, and some other prelates, and of some noblemen, some magistrates of boroughs, and some soldiers and others; and this number, or any five of them, a prelate being always one of the five, have power granted to them from the king, who appointeth them by virtue of his prerogative royal, and supremacy over all persons in all causes ecclesiastic, as was shown above, sect. 12, "To suspend, deprive and excommunicate, as also to punish by fining, confining, committing and incarcerating all keepers of conventicles, all ministers who,

contrary to the laws and acts of parliament and council, remain, or introduce themselves upon the exercise of the function of the ministry, in those parishes and bounds inhibited by those acts; all preachers who come from England and Ireland without sufficient testimonials, or leave of the bishops of their diocese; all such persons who keep meetings and fasts at the administration of the sacrament of the Lord's supper which are not approved by authority; all who speak, preach, write, or print to the scandal, reproach, and detriment of the estate or government of the church and kingdom as it is now established; all who contemn, molest, and injure ministers who are orderly settled; all who do not ordinarily attend divine worship, administration of the word and sacraments, performed in their respective parishes by ministers legally authorised for taking the cure of these parishes; all such who, without any lawful calling, as busybodies, go about houses, and places for corrupting and disaffecting people from their allegiance, respect and obedience to the laws; and generally, without any prejudice to the particulars specified, all who express their dissatisfaction to his Majesty's authority, by contravening the acts of parliament and council in relation to church affairs," &c. This court appeareth terrible unto the godly, for the persecution of whom, and of none else, no not the most flagitious and profane, it is erected, and seemeth to be as a new court of inquisition. But that which is more lamentable is this, that there lieth hid here a dreadful snare for tender consciences; for it is such a court as tender-hearted Christians cannot but scruple to acknowledge, or compear before, without a declinature, the giving in of which, would be accounted *læse* majesty, and therefore, in such a case, such as resolved to keep a good conscience, in this day of trial and defection, saw a necessity of withdrawing, and of not compearing at their summons, even though they might have pleaded themselves innocent of any crime laid to their charge.

Now if any would desire to know the reasons why such a court cannot in conscience be owned, acknowledged or submitted unto, as a lawful judicature, let him consider these particulars, and lay them together, and he shall see clear reason for either declining or withdrawing:—

1. This is a judicature meddling with censures purely ecclesiastic, such as suspen-

sion and deposition of ministers, and excommunication both of ministers and people, and therefore must be acknowledged to be a church judicature. Now there is no warrant for any such church judicature in all the New Testament, nor is there any precedent of the like to be found in the gospel; and Christians must acknowledge no church judicature but what hath a special warrant from Christ's law and testament.

2. This is a church judicature, having its rise, power and commission only from the king; and the king granteth this power to this commission, and authoriseth this court, by virtue of his "royal prerogative over all persons, and in all cases, as well ecclesiastic as civil," so that none can acknowledge this court but withal they must acknowledge the king's prerogative royal, and supremacy in all causes, and over all persons, and particularly, they must acknowledge that pure and proper church power doth properly reside in the person of the supreme magistrate, and that he hath proper power to suspend and depose ministers, and also to excommunicate, and so hath power to commission any of his subjects he thinketh good for that effect. But what Presbyterian, yea, what sound Protestant, who is not devoted to Erastus's antichristian notions, will, or can acknowledge this?

3. In this judicature civil persons, as such, namely, the chancellor, treasurer, duke of Hamilton, marquis of Montrose, earls, lords, and others, who are no church officers, have power in church matters, namely, to suspend, depose, and excommunicate. But this is against all the discipline and laws of Christ's house; for Christ will have the affairs of his house governed by officers of his own appointment: Who then can acknowledge such a court, and not withal consent unto this intolerable encroachment upon the privileges of Christ and his crown, and jostling of our Lord out of his rights? Is not this the fountain of all disorder and confusion, tending, in the end, to the utter overthrow of all church discipline, and to the total overturning of the established order of Christ's house? And can any acknowledge such a court, seeing such sad consequences will follow thereupon?

4. In this judicature ecclesiastic persons have power of civil matters and civil punishments; for the court hath power to "fine, confine, commit and incarcerate" for contravening the acts of parliament. But that

church officers should meddle with civil matters is diametrically opposite unto Christ's word, Matt. xx. 25, 26; Luke xxii. 25, where he forbiddeth all the exercise of any such power as was exercised by kings and civil powers on earth, saying, "The princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you." So that the very exercise of the power is prohibited; and, if any should think that he meaneth only the tyranny and abuse of the power, because he useth the compound words *κατακυριεύουσιν* and *ἐκκυριαρχοῦσιν*, Luke doth sufficiently take away this objection when he useth the simple words *κυριεύουσιν* and *ἐκκυριαρχοῦσιν*; and the scope of the place cleareth it also; for the question unto which Christ returneth this answer is concerning primacy and power, and not concerning the abuse of the power. So then, whoever do acknowledge this court do approve in so far of this contradiction to Christ's command.

5. The acknowledging of this court would be, upon the matter, a justifying of all the acts of persecution exercised against the worthies of old, for avouching the kingly office and power of Christ, and declining the civil courts in church matters; and so a condemning of the zeal of those worthies who hazarded life and all which was dear to them, in giving testimony against the encroachments made upon the crown and privileges of Christ as king. But, certainly, a Christian tender of the glory of God and of his cause, which hath been and is hated and persecuted by his enemies, would scare at this.

6. Particularly, the acknowledging of this court would be a condemning of worthy and precious Mr Rutherford and Mr Dickson, who declined the High Commission, and refused to pass from their declination on any terms, wherein they were singularly and eminently owned of God, and approved by his testimony to their spirits. And what tender Christian could do this?

7. The acknowledging of this court is a clear breach of the first article of the league and covenant, in several particulars, as, 1. The acknowledging of this court is an overturning of all the principles of presbyterian government, and so contrary to that oath whereby every one is "sincerely, really, and constantly, through the grace of God, to endeavour the preservation of the reform-

ed religion of the church of Scotland, in doctrine, worship, discipline and government;" and that because, (1.) It is contrary to the principles of presbyterian government to have church power derived in whole or in part from any prince or potentate upon earth, but only from Jesus Christ, the sole king and head of his church; (2.) It is contrary to the principles of presbyterian government, to have church censures dispensed by any except church officers; (3.) It is contrary to the principles of presbyterian government, to have church officers meddling with civil affairs; (4.) It is contrary to the principles of presbyterian government, to have any other church judicatories than such as are allowed by the gospel. (5.) It is contrary to the principles of presbyterian government, to have church power and civil power confounded and indistinct. 2. The acknowledging of this judicature would be a condemning of the work of reformation in part; for this is one piece of the doctrine of the church of Scotland, and one piece of the reformation, namely, that church officers should not meddle with civil power or places, and this was much looked to at the beginning of the late work of reformation, and condemned both by church and state, 1638, 1639, and 1640. And therefore tender Christians could not do this, and sin against God.

8. The acknowledging of this judicature is a breach of the second article of the same league and covenant, upon this account, that it is an acknowledging of the power of prelates in the highest degree of that power which ever they had in Scotland; and next, upon this account, that it is an approving of that which is contrary to sound doctrine, and the power of godliness, and so a partaking of other men's sins, and a running the hazard of receiving of their plagues, expressly contrary to that article.

9. As to the civil part of this court (for it is a monster of judicatories, namely, two distinct bodies under one head), the acknowledging of it would be a crossing of the third article of the league and covenant, upon a twofold account: 1. In that it is a wronging of the rights and privileges of parliaments to own a judicature not approved and established by an act of parliament, old or late. 2. In that it is a wronging of the liberties of the kingdom, to consent unto an arbitrary power, assumed by the prince over them, contrary to the fundamental laws of the

land, in setting up what judicatories he pleaseth without consent of parliament, without whose special warrant and authority the meanest fixed court cannot be erected.

10. It is a court unanimously condemned by the church of Scotland in their Assembly, 1638, act sess. 14, upon very pregnant and considerable grounds; for they found "that it had been erected without the consent or procurement of the kirk, or consent of the estates of parliament; that it did subvert the jurisdiction and ordinary judicatories and assemblies of the kirk sessions, presbyteries, provincial and national assemblies; that it was not regulated by laws civil or ecclesiastical, but at the discretion and arbitrement of the commissioners; that it gave to ecclesiastical persons the power of both the swords, and to persons merely civil the power of the keys and kirk censures: and, therefore, did prohibit the use and practice of it, as being a court unlawful in itself, and prejudicial to the liberties of Christ's kirk and kingdom, and the king's honour in maintaining the established laws and judicatories of the kirk." Now, how could any true member and officer of the church of Scotland acknowledge this judicature, so unanimously disallowed and condemned by that church?

11. The acknowledging of this court would be a clear breach of the national covenant, as sworn and subscribed, 1638 and 1639; for in that covenant the land was sworn "to resist all corruptions, according to their vocation, and to the uttermost of that power which God hath put into their hands, all the days of their life." And among other things referred to the determination of the General Assembly, this concerning the civil places and power of kirkmen was one; and, accordingly, the General Assembly did determine, act sess. 25, December 19, 1638, That it was both inexpedient and unlawful for pastors separated unto the gospel to brook civil places and offices. And the next day there was an act made for subscribing of the covenant according to this determination: "For (say they) it is found, by the confession of faith, that the five articles of Perth, and the civil places and power of kirkmen, are declared to be unlawful: the Assembly alloweth and approveth of the same in all heads and articles thereof, and ordaineth that all ministers, masters of universities, colleges and schools, and all others who have not already

subscribed the said confession and covenant, shall subscribe the same, with these words prefixed to the subscription, namely, The article of this covenant, which was, at the first subscription, referred to the determination of the General Assembly, being now determined at Glasgow in December 1638; and, thereby, the civil places and power of kirkmen being declared to be unlawful, we subscribe, according to the determination of the same free and lawful General Assembly." So that it is most clear that none can own this judicature without the breach of this covenant so explained; because they cannot acknowledge this judicature, but, withal, they must acknowledge the civil power and places of kirkmen.

It will be objected, that the commissioners of that court, and particularly the prelates, may be owned as his Majesty's commissioners, and so it will be lawful enough to compear before them. *Ans.* If they be looked on as his Majesty's commissioners, then, either as his commissioners in spiritual matters or in civil matters: if as his commissioners in church matters, then no minister or Christian could own them as clothed with such a power, because his Majesty hath no such power from God, and therefore they can have no power from him by virtue of this commission; and, moreover, compearing before them under that notion, as having power of church censure by virtue of a commission from the king, is an acknowledging of such a power in the king, which is contrary to truth, as is shown above: if as his commissioners in matters civil, then churchmen should be owned as having civil power, which were contrary to the clear word of Christ, and to the express determination of the Assembly, and also contrary unto the national covenant.

But it will be objected, in the next place, that, upon the same ground, no man might lawfully compear before the high court of parliament, because prelates are now made constituent members thereof, and so, compearing before them would be an acknowledging of the lawfulness of the churchmen's having civil places and power. *Ans.* It is true they may do nothing that may be an approving of their having civil places and civil power; and therefore, though they might not decline the court of parliament in a civil business, yet, at their first compearance, they would be necessitated to declare, that they do not acknowledge nor approve of church-

men's having civil places and power, and to protest that, by their compearance before the high court of parliament, they might not be looked upon as approving thereof, which protestation might, in this case, save the conscience, but nowise in the other case, of appearing before the High Commission, and that because the parliament is a full and complete court without the prelates, so that, though they were laid aside, the parliament would be a parliament still; but, without the prelates, the High Commission is no court, for one of them at least is *sine quo non*: so that, lay these all aside, and you have no High Commission court; and therefore they, being essential members of the court, it is impossible to compear and protest that, in compearing, you do not acknowledge their civil power without a self-contradiction; for in your protestation you have them virtually laid by as no constituent members; and if they be no constituent members there is no court, yet your compearance saith that they are a court; and so it would be a palpable contradiction to protest against these as no constituent members, and yet stand before them and answer as before a court. But as to the parliament the case is far different; for when the prelates are there laid aside there is a full complete court remaining, before which you may stand and answer for yourself; the parliament hath been, and may be, a full and complete parliament without prelates, but the High Commission never was a court without prelates, and may be a court with full power and authority when there are no other constituent members beside prelates.

Some may object, in the third place, and say, This High Commission court doth not meddle with church censures, and therefore cannot be looked on as a church judicature, meddling with church causes and church censures, but is only a civil court, meddling with civil causes, namely, the putting of the acts of parliament into execution. *Ans.* 1. Though this were granted, yet there is ground enough of scrupling at the owning of the same, as may be seen in the 4th, 7th, 9th, 10th and 11th reasons formerly adduced. But, 2. It is not very material to consider either how little or how much of their power they do put into execution; but the main thing is to see what power they may exercise. Now the best way to find out this is to look to their commission, which will abundantly clear us in this. Their

commission sheweth how far their power doth reach, or what actions or causes fall within the compass of their power, and by this we can best take up the nature of the judicature: so that, if their commission give them power to suspend, depose and excommunicate, every one must look upon them as a judicature having that power, whether they should always or never exercise it. And that their commission granteth to them this power will not be denied by any who hath ever seen the same; and that part of it which was cited doth clear it sufficiently, and therefore it is a mixed judicature, being as well ecclesiastic as civil.

If it be replied, That properly they have no power of suspending, deposing and excommunicating immediately; but the meaning is, they are to cause the respective church judicatures to suspend, depose and excommunicate; for the act, or commission, containing their power, saith they have "power to appoint ministers to be censured by suspension or deposition," it is answered, 1. They have power to appoint ministers to be censured by suspension or deposition the same way that they have power to appoint them and others to be punished by fining, confining, committing and incarcerating; but this power they execute not by putting other civil judicatures to do it, but they themselves immediately do it, and therefore so have they power granted to them to do the other immediately. The ground of the answer is clear from the very words of the commission, which putteth no difference betwixt the way of their appointing ministers to be suspended or deposed, and the way of their appointing others to be fined and confined or incarcerated, and we must not distinguish where we have no ground; and therefore it is said more clearly in the former part of the commission, that they have power, for the causes specified, to "suspend, deprive, and excommunicate," and these words make the matter as clear as can be. 2. This court is raised of purpose to put the acts of parliament in execution immediately; for so saith the commission itself, That "they are to use their utmost endeavour that the acts of parliament and council, for the peace and order of the church, &c., be put in vigour and in impartial execution." Now, as for this end they immediately execute the laws for fining, confining, &c., so have they power also immediately to execute those laws that are for

suspending and deposing of ministers. 3. The end why this court was erected sheweth further that it is in part a church judicature; for it was erected to keep the peace and order of the church, and the government thereof, by archbishops and bishops, and to punish such as presume to violate, contemn, and disobey the ecclesiastic authority. 4. That which doth put the matter yet more out of doubt is the basis or ground upon which this High Commission is reared up, namely, "His Majesty's prerogative royal, in all causes and over all persons, as well ecclesiastic as civil." Now, if they look upon this court only as a civil court, having power to meddle only with civil punishments, his prerogative royal in causes civil had been a sufficient basis for this. Therefore the express mentioning of his prerogative royal in causes ecclesiastic putteth it beyond all debate that they have proper church power granted unto them, and so may immediately depose and suspend, &c.

In the last place, some may object, against the arguments brought from the unlawfulness of churchmen's taking upon them civil places, and say, That though they will prove it unlawful now for ministers to take upon them such places, yet they will not prove it unlawful for any to compare before them when installed in those places, more than it can be unlawful to come before a judge who, possibly, hath come to the place by unlawful and indirect means,—that is his fault, and others are not concerned therein; so here it is the prelate's fault to take upon them these places, and private persons are not so much concerned therein. *Ans.* There is a vast difference betwixt the prelates in this court and other judges in other courts, though coming to these places by indirect means; for, 1. These other courts and places of judicature are unquestionably lawful, but the High Commission is not a court so unquestionably lawful. 2. Other courts are not affected in the point of lawfulness or unlawfulness by the quality of the persons, but it is otherwise here in the High Commission: the very lawfulness of the court is questioned upon the account of the prelates being members thereof *sine quibus non*. 3. These vices, or indirect means, used by others for attaining of such or such a place in a judicature, are, for the most part, secret and not clear, and undeniable or obvious unto all; but that which is objected against the prelates is notorious to all who read the gos-

pel,—where they are expressly discharged by Christ to meddle in such a manner with any civil place or power: and so, 4. That which is objected against the prelates is such a thing as affecteth the very person, and incapacitateth him for the place, but, in the other cases instanced, these vices affect only the manner of entry, but do not incapacitate the person: a man may be one fit enough for such or such a place in a judicature as to be a judge or a justice of peace or the like, though he use indirect means to come by the place; but the prelates, as prelates (if so be they will be accounted church officers), and because they are churchmen, are incapable of such a place; and, therefore, though it will not be unlawful to acknowledge a judicature unquestionably lawful, notwithstanding of some secret corruption in the entry of him who is in possession of the place, yet it will be unlawful to acknowledge a judicature, in itself questionable (at best) whether lawful or not, when such persons are made constituent members thereof, yea, and members *sine quibus non*, that, by the express law of Christ, are incapable of such a place. And the acknowledging of this judicature cannot but be an approving of that corruption, because the very acknowledging of the judicature saith, that the persons who are constituent members thereof are really and legally capable of the place: as the comparing before, and acknowledging of, a court made up of mere civil persons, having power to "try, ordain, rebuke, depose or excommunicate" ministers, should be an acknowledging of civil persons having church power, contrary to the laws of the gospel. Therefore the arguments brought from the unlawfulness of churchmen taking upon them civil places are still in force.

By these particulars it is abundantly clear that that High Commission court is a most sinful court, even as to its constitution; and how dangerous it is to compare before it, upon any account, without a declination, and how it is safest to withdraw and escape the snare that is laid there for catching of unwary souls ere they be aware. See the learned Vostius, *Polit. Eccles.*, p. 214, quest. 2, and 216, quest. 3.



## SECTION XX.

## THE DREADFULNESS OF THE SIN OF COVENANT-BREAKING, PARTICULARLY OF ABJURING THE NATIONAL COVENANT AND THE SOLEMN LEAGUE AND COVENANT, MANIFESTED.

Many sad particulars have been mentioned, which may occasion grief and sorrow unto all the people of God, yet there is one other which putteth on the copestone, and may deservedly make that land a gazing-stock and a hissing unto all nations round about, who may stand astonished, and wonder what is become of covenanted Scotland: for it was not enough for the parliament to condemn the covenants, which were solemnly sworn and subscribed by parliament, and, at their command, by all ranks of people in the land, and by the king himself, as was shown in section 2, but they formed a declaration, September 5, 1662, which they ordained to be subscribed by "all officers of state, members of parliament, privy councillors, lords of session, commissioners in the exchequer, members of the college of justice, sheriffs, stewards or commissaries, their deputies and clerks, magistrates and councils of burghs, justices of peace, and their clerks, or any other who have public charge, office, and trust within the kingdom;" and, by the subscribing of this declaration, they promise as followeth:—

"I, ———, do sincerely affirm and declare, that I judge it unlawful to subjects, upon pretence of reformation, or any other pretence whatsoever, to enter into leagues and covenants, or to take up arms against the king, or those commissioned by him, and that all these gatherings, convocations, petitions, protestations, and erecting and keeping of council tables, that were used in the beginning, and for carrying on of the late troubles, were unlawful and seditious; and particularly that these oaths, whereof the one was commonly called *The National Covenant* (as it was sworn and explained in the year 1638, and thereafter), and the other entitled *A Solemn League and Covenant*, were, and are, in themselves unlawful oaths, and were taken by, and imposed upon, the subjects of this kingdom against the fundamental laws and liberties

of the same; and that there lieth no obligation upon me, or any of the subjects, from the said oaths, or either of them, to endeavour any change or alteration of the government, either in church or state, as it is now established by the laws of the kingdom."

May not the heavens be astonished at this, and may not all the world wonder, that the only qualification necessary, or qualification *sine qua non* of a magistrate (who should be a man fearing God, and a man of truth, &c., Exod. xviii. 21; 2 Sam. xxiii. 3; Neh. vii. 2; xiii. 13), should be perjury of the deepest dye? May it not be for a lamentation, that no other should be in a capacity to administrate justice but such as are singular for unfaithfulness? Cicero, in *Offic.*, lib. 1, saith, "The groundwork of justice is faithfulness and truth, that is to say, constancy and truth in words and actions;" and how can such execute justice betwixt man and man, and press faithfulness in words and actions, who are ring-leaders in unfaithfulness themselves? How can they press and force others to stand to their obligations and compacts when themselves have broken all bonds, and declared themselves not obliged to stand to any obligation which they have made unto the great God of heaven and earth? What justice can be expected from them who will make no conscience of their oath *de fidei administratione*? And how can it be expected that such shall make any conscience of their oath *de fidei administratione* who have already declared and avowed themselves perjured and forsworn? For it is a presumption in law that *qui semel malus semper malus in eodem genere*. How can such be judges in a reformed land who would not be suffered to be judges amongst heathens? How can those be admitted as judges in Scotland whose oath, according to the laws and constant practice thereof, will not be admitted before any judge in a matter above ten shillings money of Scotland? But oh, how few is there found of all the magistrates in the land who have refused to subscribe this declaration! And how may this stand on record, to the perpetual infamy (the punishment assigned to perjured persons by the law of the twelve tables) of this generation, that it did both swear a covenant with God, and now hath openly and avowedly annulled, cancelled and broken the same, and thereby declared themselves to be the most infamous and perjured gene-

ration that ever stepped upon ground ; and a generation whose oaths, let be their words and promises, are no more to be regarded than if they were all Samnites, with whom (as Livy saith, *Annal.*, lib. 9), the Romans refused to enter in terms of peace because of their frequent treacherous actings ; or Carthaginians, of whom it is said, that they were always perjured ; or Cretians, who are always liars, Tit. i. 12 ? And what will bind such when oaths will not bind ? How fitly may that of Juvenal, satire 13, be applied to this generation !

*Sunt in fortuna qui jam casibus omnia ponunt,  
Et nullo credunt mundum rectore moveri ;  
Natura volvente vices et lucis, et anni ;  
Atque ideo intrepidi quæcunque altaria tangunt.  
Est alius, metuens ne crimen poena sequatur :  
Hic putat esse Deos, et pejerat, atque ita secum :  
Decernat, quodcunque volet, de corpore nostro,  
Isis, &c.*

The weight on fortune some lay of each thing,  
And think no God the world doth govern :  
Nature alone, by running round, doth bring  
About both days and years ; hence they do learn  
To touch each altar without fear,  
And boldly everything to swear.

But others fear lest plagues their guilt pursue,—  
Think there are gods who punish will such crimes ;  
Yet they'll forswear (O such a wicked crew) !  
Resolving so to do at several times.  
Let God discern with what disease  
He will us punish, if he please.

And how many now are regardless of all  
oaths,—to whom that of Juvenal, satire 13,  
doth fitly quadrate :—

*Ut sit magna, tamen certe lenta ira Deorum est.  
Si curant igitur cunctos punire nocentes,  
Quando ad me venient ? Sed et exorabile Numen.  
Fortasse experiar ; solet Hic ignoscere. Multi  
Committunt eadem diverso crimina fato ;  
Illa crucem sceleris pretium tulit, hic diadema.*

And that, *ibid* :—

*Tam facile et prout est, superos contemnere testes.—*

Suppose it true that divine wrath be great,  
Its pace is slow, so will it come but late :  
If it a truth be that the gods do care  
To plague and punish all who guilty are,  
How long a time, I pray thee, may it be  
Before they come to reckon and reach me ?  
Yea, I may mercy find ;—God's exorable,—  
He useth to give pardons, and is able ;  
It's often seen that men do perpetrate  
The same vile crimes, and yet with divers fate,—  
One hath the gibbet for his crime's reward,  
To others crowns for crimes are oft prepar'd.  
So bent, are men now to defy  
Heaven's witness, ev'n the Deity.

But, moreover, this oath must be pressed  
on others besides the persons mentioned by  
the privy council, which hath power for

this effect ; and though already many (and alas, too, too many) have subscribed this declaration, and thereby abjured their former oath and engagement, and so not only have brought infamy and disgrace upon themselves, but have also heinously provoked the Lord to send a sword, which shall avenge the quarrel of his covenant, and the broad curse, which shall consume both the timber and the stones of their houses, others cannot be blamed for refusing to write after their copy, if these three things be considered : 1. How sinful and heinous a crime it is to break these covenants ; 2. What dreadful judgments may be expected to follow upon the breach of covenant ; and, 3. How weak the grounds are whereupon such go as cry down the lawfulness and standing force of these covenants. The first of these shall be spoken to in this section, and the rest in the following sections.

The sinfulness, then, of this practice will appear, if these twelve particulars be considered and laid together :—

1. There is, in the breach of these covenants, a clear breach of promise. All covenants are promises, and these covenants have in them a plain and clear promise. Now a promise is “a rational act of a man (as Aquinas saith, 22æ, quest. 38, art. 1), by which he declareth and ordereth his purposes to another,” and these are of two sorts : either that which is called *pollicitatio*, and this (as Grotius saith, *de Jur. Bel. ac Pac.*, lib. 2, cap. 11, sect. 3) is, when “the will doth determine itself for the time to come with a sufficient evidence, showing the necessity of persevering,” and this (as he addeth) doth either oblige simply, or under a certain condition ; or else such as are full and complete promises, such as promises of giving and promises of doing, and in these (as he saith, *ibid*, sect. 4), “beside the determination there is also a sign of voluntarily resigning the right over unto another.” He further there proveth, that these promises do bind : 1. By showing from Scripture, namely, Neh. ix. 8 ; Heb. iv. 18 ; x. 23 ; 1 Cor. x. 13 ; 1 Thess. v. 14 ; 2 Thess. iii. 3 ; 2 Tim. ii. 13, how God, who is above all law, should yet do contrary to his nature if he should not keep his promises. 2. By that passage of Solomon's, Prov. vi. 1, 2, “My son, if thou be surety for thy friend, if thou hast stricken thy hand with a stranger, thou art snared with the words of thy mouth, thou art taken with the words of thy mouth.” So that

promises are strong bonds, and ought to be kept. Hence that,

*Verba ligant homines; taurorum cornua funes,*

Bulls, by their horns; men bind with cords;  
Men use to be bound by their words.

A heathen could say of a promise made to another, *Vox mea facta tua est*, Ovid, 2d *Metamor.* And heathens made much of their promises; yea, it is said of some, that they refused to swear any oath, because that would have imported that their bare word and promise was not to be rested on as security enough. Thus the Scythians (as Grotius saith, *de Jure Belli ac Pac.*, lib. 2, cap. 13, sect. 21) refused to swear to Alexander, and told him that *colendo fidem jurant*,—they swear by valuing their promise. So when, at Athens, a grave person came to give his oath at the altar, all the judges cried out that they would not suffer it to be done, *Eo quod nollent religione videri, potius quam veritate fidem esse constrictam*. Spurius Posthumus, in his speech before the senate (as Livy sheweth, lib. 9), saith, that promises, no less than covenants, are religiously regarded by all, *Apud quos justa divinas religiones fides humana colitur*. When C. Lucinius and L. Sextus, two tribunes, were making some overtures tending to the advantage of the people,—one whereof was, that, in payment of debts, all that which had been paid in usury should be allowed in the first place,—Claudius Crassus, one of the patricians, had an oration to dissuade the people therefrom, showing them how that, by this means, all faith and trust should be banished, and, consequently, all human society should be destroyed. See Livy, lib. 6. The Romans have been famous for keeping their public faith; hence, in all their straits, the people did lend money most willingly unto the senate, not knowing how it could be better secured. See Livy, lib. 25. And therefore they honoured their public faith as a goddess, and had a solemn place appointed for her, in which place all their articles of peace and covenants were sworn, *Ut ejus, qui ea violaret, sacrum diis inferis, caput esset*. See Livy, hist., lib. 1, 24. Yea, so much did they esteem of their faith, that they did not think it enough not to do anything contrary thereunto, but they would not suffer others to do anything which might seem to reflect on them and their faithfulness; and therefore, as Livy sheweth, lib. 28, when

Hannibal had overthrown Saguntum, a city in Spain, which had befriended the Roman interest, they thought it their duty to recover that city out of the hands of Hannibal, and did so. Memorable is the story of Fabius, the dictator, mentioned by Livy, lib. 22, who, when Hannibal was wasting Italy, and had spared a piece of ground that appertained unto him, of purpose to make the report go that he had complied with him, seeing his fidelity thus in hazard to be questioned, sent his son to Rome to sell that piece of ground, and, with the money thereof, he paid what he had promised for the relief of some captives upon the public faith; and thus *fidem publicam privato impendio exsolvit*. When Jugurtha, king of Numidia, had killed the two grandchildren of Masanissa, that he might possess the whole kingdom, the Romans called Jugurtha to answer for this fact, and secured him in coming by their public faith, and because of the safe conduct which they had promised, they sent him away safe, notwithstanding that he had owned the wickedness done by Bomilcar his companion, and had him conveyed away quietly. See Sallust. in *Jugurth.* It is memorable also, that when Scipio was warring in Africa against the Carthaginians, there was a truce concluded, and the Carthaginians sent some ambassadors to Rome, to treat for a peace, and, in the meantime, Asdrubal taketh two hundred and thirty of the Roman ships, which had been driven from the fleet by storm, and when the ambassadors that came from Scipio, upon the report of this, were come to Carthage, they also were inhumanly used and hardly escaped, and, notwithstanding of all this breach of truce, and breach of the law of nations, the Romans, because of their public faith, sent away the Carthaginian ambassadors safe. See Livy, lib. 32. So was it their public faith which freed Hanno, a commander of the Carthaginian forces, notwithstanding that the Carthaginians had put Cornelius Asina, a consul, in chains, contrary to their faith and promise. Many such instances might be given, but these may suffice to make such as call themselves Christians to blush, when they see how far they are outstripped by such as had no rule to walk by but the dim letters of nature's light. How may those religious heathens (if they may be so called, being compared with the more than heathenish Christians) have hissed Machiavel out of their common-

wealth, and banished him their society, as fitter to live among beasts, with his beastly evertures, than among men, seeing they tend, in effect, to turn men into brutes; for if no faith or promise be kept, all human society shall be broken up, and there must be no traffic, no bargaining, but men must be left at liberty to run and rove abroad, as the wild beasts of the field, to catch what they can have. Memorable is that which Buchanan, *Hist.*, lib. 9, relateth of the borderers in Scotland, who thought so much of the breach of a promise, that they would not eat nor speak with such as broke promise, nor suffer him to come into their houses, and, for his disgrace, they stuck up a glove upon a pole or a spear, and carried it about in their public meetings.

2. There is in the breach of those covenants a clear breach of an oath. The covenants are sworn covenants, and so the breach thereof is the breach of an oath, and this is no small sin. Heathens acknowledged a great binding force in oaths: hence Cicero, *de Offic.*, lib. 3, saith, "That an oath is a religious affirmation, and what is promised, God being witness, should be performed;" and again, "He who violateth his oath violateth his faith;" and again, "Our forefathers would have no bond straiter than that of an oath, as the laws in the twelve tables show, and their covenants, whereby they did bind themselves, even to their enemies, and the observations of their censors, who took notice of nothing more than of people's keeping their oaths." An high account, then, have even heathens had of their oaths. Yea, Livy saith, that faithful promises are sufficient to rule a city though there were no laws nor magistrates. Memorable is the story of Regulus, who, being taken captive by the Carthaginians, having given his oath either to return to Carthage a prisoner, or procure in his place the liberation of some of the Carthaginians then prisoners at Rome, got liberty to go to Rome, and, when he came thither, it was not found honourable for the people of Rome to render back any captives, yea, himself (though he would not vote as a member of the senate, affirming, that as long as he was under the oath of the enemy he was not a free senator) dissuaded them from rendering up any captives, because such as they had among their hands were able and eminent commanders of the Carthaginian forces, and himself was but an old

broken man, and altogether useless. When the senate had thus resolved, though he had many strong temptations to break his oath, as the offer of liberty to stay at home in his own country, with his own dear family, and to enjoy the honour and privileges of a member of the senate, and, upon the other hand, the thoughts of his cruel and bloody enemies, and their notoriousness in perfidy, yet, for all this, conform to his oath, he returned, and rendered himself their prisoner; and, when he did so, saith Cicero, *de Offic.*, lib. 3, "His case was better than if he had stayed at home a perjured old captive senator." And Cicero, when he is again speaking of this same business, saith, "That he could do no otherwise then, when nothing was accounted surer than an oath." And upon this account is it that this Regulus is so praised by Silius, *It.*, as Grotius sheweth, *de Jure Belli ac Pac.*, lib. 2, cap. 13, sect. 16.

*Qui longum semper fama gliacente per avum,  
Indis servasse fidem memorabere Poenis.*

Through ages all increas'd shall be  
Thy spreading fame and memory,  
Whom all the terrors fierce of death  
To Punic made not break thy faith.

Memorable also is that passage of Pomponius, the tribune, who, when Titus (afterwards Tarquatus), son to Manlius, came in upon him early in the morning, while he was in bed, and drawing his sword, swore that he would presently kill him unless he would give his oath to let his father go free (against whom there was an action intended) having given his oath thus out of fear, resolved to keep it, and, therefore, according to his oath, he letteth Manlius go free, *tantum illis temporibus jusjurandum valebat*,—"oaths were in such an account in those days" (saith Cicero, *ubi supra*). Memorable also is the story of those whom Hannibal took captive and sent to the senate, upon oath to return unless the senate would liberate some of his commanders; and when the senate refused to do this (for they would redeem no captives, though they might do it at never so easy a rate, that their soldiers might resolve either to die or to overcome) they returned, according to their oath, and rendered themselves prisoners; but, which is most remarkable, there was one among them, who, after he had given his oath, and was coming away with the rest, returneth into the enemies camp a little, as if he had forgot some things, thinking, by this means, to

free himself of his oath, and so, when the rest returned to Carthage, he stayed; but the senate getting notice of the matter, took him, and sent him bound hand and foot unto Hannibal. And, upon this, saith Cicero, relating this matter (*ubi supra*), *Fraus distingit, non dissolvit perjurium; fuit igitur stulta calliditas perversè imitata prudentiam*;—all his wiles could not help him out. It is reported of Nerva, that, when he was made emperor, to give a proof of his moderation, he swore that none of the senate should be killed by his command, which was very acceptable, because Domitian, a little before, had caused execute several of them upon small occasions; and such respect had he unto this oath, that, when several of the senators had conspired against him, he spared them, because of his oath. (See Dionysius in *Nerva*.) Now, shall heathens, who had no more but the dim star-light of nature, make so much of oaths, and shall Christians trample them under foot? When there is no greater security imaginable betwixt person and person, and betwixt nation and nation, nor no other way for ending of controversies, for securing peace and mutual fellowship, but an oath, shall Christians make no conscience of these bonds, though the law of nature and the law of nations, cannot imagine a bond beyond that? It was a foul stain upon king James II. to kill William, earl of Douglas, in the castle of Stirling, after he, with some nobles present, had assured the said earl of his life by their subscriptions; and it did so irritate the earl's friends, that they took the public writ and put it upon a board, and tied it unto a horse tail, dragging it through the streets; and, when they came to the market-place, they proclaimed both the king and the nobles "perjured covenant breakers." And thereafter, when James, the earl's brother, had rebelled against the king, he was desired to submit, but he answered, that "he would never put himself in their reverence who had no regard to shame, nor to the laws of God or man, and who had so perfidiously and treacherously killed his brother and his cousins." Yea, shall Christians not only go beyond the law of nations, and suffer heathens to outstrip them in that which nature's light doth dictate, but will they also break all the bars of the Lord's express word, and cast the cords of oaths behind their backs, after that the Lord hath so often commanded the contrary. Scripture

is clear for people's standing to their oaths which they have sworn in the Lord. They are to swear "in truth, in judgment, and in righteousness," Jer. iv. 2. They must not take the name of the Lord in vain, which, if done at all, is done by forswearing, or swearing falsely. It is the qualification of one who is to inherit heaven, Psal. xv., that, though he swear to his own hurt, he will not change. Such false swearing is expressly against the mind of God, as these Scriptures do clear: Lev. vi. 3; xix. 12; Num. xxx. 2; Jer. v. 2; vii. 9; Ezek. xvi. 59; xvii. 16—18; Hos. x. 14; Zech. v. 3, 4; viii. 17; Mal. iii. 5. Many precedents in Scripture clear it to be duty to stand to oaths; as these, Gen. xxi. 31; xxiv. 9; xxv. 33; xxvi. 31; xxxi. 53; xlvii. 31, compared with chap. l. 5. So Gen. l. 25, compared with Exod. xiii. 19; Josh. ii. 12, compared with chap. vi. 22; So Josh. ix. 15, 20; 1 Sam. xxiv. 21, 22; 2 Sam. xix. 23, compared with 1 Kings ii. 8; 1 Sam. xx. 17, compared with 2 Sam. xxi. 7; 1 Sam. xxx. 15; 1 King i. 13, 30; Neh. v. 12. Now, shall Christians make no more of all these than Samson did of the new ropes? Shall neither law of nature, law of nations, nor yet the law of God be of any binding force? If so, they declare themselves not only to be no Christians, but to be no men. Sure, then, it must be a heinous iniquity for any who are engaged in this covenant to cast it behind their heels, and contradict what they have there sworn. It is a great sin to break a promise, but it is a greater sin to break an oath; because an oath is a greater ground of security, and, in an oath, the dreadful name of God is invoked to attest the sincerity of the promises and purposes of the promisers, and this maketh the obligation stronger, and so the breach of this bond must be the sadder.

3. There is in this a clear breach of a vow, for in these covenants there is a promise made unto God, and that is a vow. Now, the obligation of a vow is no less than the obligation of an oath; for in every vow there is an implicit calling of God to witness, and a vow is of the like nature with a promissory oath, and so should be performed with the like faithfulness (saith the confession of faith at Westminster, chap. 22, sect. 5). That lawful vows ought to be observed with all carefulness, many both precepts and precedents in Scripture do clear, as Num. xxx. 2, 4, 8; 1 Sam. i. 21; Deut. xii. 11;

xxiii. 21, 23; Psal. lxxvi. 11; Eccl. v. 4, 5; Gen. xxviii. 20; Num. vi. 21; xxi. 2; Judges xi. 30, compared with Lev. xxvii. 28, 29; Psal. cxxxii. 2; xxii. 25; lvi. 12; lxi. 5; Prov. xx. 25; Isa. xix. 11; Jonah i. 16; ii. 9; Neh. i. 15. So, then, the sin of violating these oaths or covenants being likewise the violation of a solemn vow made unto the Lord, after which it is not lawful so much as to make inquiry, must be great.

4. There is in this a clear breach of a covenant made with man, for, in the league and covenant, the king, the parliament, and the people of the three kingdoms, do mutually covenant each with other for the performance of those things which do concern them, in their several stations, either as to the work of reformation or as to the preservation of each other's mutual rights and privileges: king and parliament do covenant to preserve the people's liberties; king and people covenant to preserve the privileges of parliament; parliament and people covenant to preserve his Majesty's person, honour and authority; and all the people stipulate and engage each to other. So that here, without all doubt, there must be a clear breach of a covenant, and this must be a grievous sin; for very heathens looked upon the breach of a covenant as a heinous and uncouth thing, and did abominate the same. Hence Collicrates did dissuade the Achaians from hearkening to Perseus the king of Macedon, who, intending war against the Romans, was seeking to make peace with them, because it would be a breach of the covenant which they had made with the Romans: see Livy, lib. 41. To break covenant is a sin against the law and light of nature, and so condemned amongst very heathens, Rom. i. 30; and for which the Lord gave them up to a reprobate mind, ver. 28. The obligation of a covenant is the highest assurance and greatest ground of security that nature's light could find out betwixt nation and nation, or betwixt man and man, in matters of greatest concernment. And this ground of assurance is generally rested on by all, unless they have to do with a Hannibal, or with the Samnites, whom no covenant could bind. Hence is that saying, *Fides supremum rerum humanarum vinculum est*,—"Faith is the highest assurance in human matters." It is spoken to the dishonour of Philip king of Macedon, "That none could call him a good king, because that usually he despised

oaths, and broke his promise upon any light occasion, so that no man's promise was less esteemed of;" and of Hannibal, "That in warring against Rome he did wage war more against his own faith and promise; and, rejoicing in lies and deceit as so many excellent arts, he resolved to leave behind him a notable memory of himself, but so as it should be uncertain whether as of a good man or of an evil man." The Trojans accuse themselves of this iniquity, *apud Hom.*, as rendered by one thus:

*Rumpentes fœdera sacra,  
Juratamque fidem, pugnamus, non quibus est fas.*

Who sacred leagues annihilate,  
Their faith, though sworn, do violate,  
'Gainst those on whose side stands no right  
We do, and may, with courage fight.

Yea, it is reported that the Romans would not break covenant even to such as had broken unto them, and therefore, when Sergius Galba would have cut off seven thousand of the Lusitanians who had broken covenant in a most perfidious way, he is accused by Libo, a tribune of the people, for wounding the honour of the Romans, in recompensing perfidiousness with perfidiousness; and, saith Appianus, *Perfidia perfidium ultus, contra Romanam dignitatem, barbaros imitabatur*. It was a great evidence of baseness in the Saxons when the Picts refused to make any covenants with them, because that, with them, covenants, which with others were the surest bond of friendship, were but snares for the simple. So Buchanan, *Vit. Gorani*. So that nature's light teacheth the obligation of covenants to be inviolable. And also the light of the Scriptures teacheth the same: Josh. ix. 19; Neh. ix. 38; 2 Kings xi. 17; Ezek. xvi. throughout; Jer. xxxiv. 18, &c.; Gen. xxi. 27; 1 Sam. xviii. 3; xx. 16; Gen. xxxi. 36; xlv. 49, 50, 52; Neh. v. 11, 12; 1 Kings v. 12; xx. 34.

5. There is in this a breach of covenants, whose tie and obligation is sacred and religious, of covenants which God will own as his, he being called to witness therein by an oath which was interposed. All covenants confirmed with an oath, whatever the things be, religious or civil, concerning which they are made, are owned of God as his (hence the covenant betwixt David and Jonathan is called the covenant of the Lord, 1 Sam. xx. 8), and, upon this account, the violating of those sworn covenants must be a heinous and great transgression, and therefore Ze-

dekiah's fault in breaking his covenant with the king of Babylon is aggravated upon this score, and sore judgments are threatened, (Ezek. xvii. 19, "Therefore thus saith the Lord God, As I live, surely mine oath that he hath despised, and my covenant that he hath broken, even it will I recompense upon his own head"), therefore the oath is called God's oath, and the covenant God's covenant, which, ver. 16, is called the king of Babylon's oath and covenant; and, upon this account, the sin is aggravated, and he is the more assured of judgments because of his breach of this covenant. So likewise that covenant mentioned Jer. xxxiv. 8—10, wherein the princes and the people did swear to let their Hebrew servants go free, is called God's covenant, ver. 18, and, upon this account, sorer judgments are threatened, ver. 19, 20: "And I will give the men that have transgressed my covenant, which have not performed the words of the covenant which they had made before me—into the hand of their enemies." So, then, the breach of this covenant, which was sworn with hands lifted up to the most high God, and in an eminent way before the Lord, must be the breach of a covenant which God will own as his covenant and as his oath, and therefore the greater sin.

6. It will be the breach of covenants made with God, for they contain a vow and a promise confirmed with an oath made for doing of such things as God commandeth in his word, and therefore a greater sin; for covenants made with God should be more binding and inviolable than covenants betwixt man and man; for in covenants betwixt man and man there may be dispensations in, and remissions of, the obligation, and, moreover, the ground of those covenants may fail; now none can either dispense with, or grant remission in, the matters of God. Moreover, covenants made with God are more absolute, and less clogged with conditions, and so more obliging; and therefore the sin of breaking such covenant must be the greater; and all may be sure that God shall avenge the quarrel of those covenants which are his own, he being in them not only judge and witness, but also *altera pars contrahens*,—the party with whom the covenant is made, Lev. xxvi. 15, 16, 17, 25.

7. It will be the breach of covenants made with God about moral duties. It is a moral duty to abjure all the points of Popery, which was done in the national cove-

nant; and it is a moral duty to endeavour our own reformation and the reformation of the church, which was sworn to in both covenants; it is a moral duty, to endeavour the reformation of England and Ireland, in doctrine, worship, discipline and government, which was sworn to in the league and covenant; it is a moral duty to purge out all unlawful officers out of God's house, and to endeavour the extirpation of heresy and schism, and whatsoever is contrary to sound doctrine, which was sworn to there also; it is a moral duty to do what God had commanded towards superiors, inferiors and equals, which, by the league and covenant, all were bound unto; and, therefore, the covenants are strongly obliging, being more absolute than other covenants, because they bind *et vi materiæ et vi sanctionis*,—both by reason of the matter and by reason of the oath, and so are perpetual, Jer. 1. 5. And, therefore, a breach of these must be a greater fault than the breach of such covenants as are about things not morally evil, which only bind *vi sanctionis*, and so, it is beyond all doubt that the breach of these covenants is a most heinous and crying sin.

8. It will be a breach of such covenants as are so framed that they cannot be made void though they should be broken, buried and forgotten, because they are covenants about moral and indispensable duties, and such duties upon which dependeth the glory of God, the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the king's Majesty and his posterity, and the true public liberty, safety and peace of the kingdoms, and the good of posterity in all time coming, and the Lord's being one, and his name, one in all the three kingdoms; and so, the transgressing of such covenants must be a greater fault than the breach of such which are of that nature as to be made void after some period of time, or after a failure by the one party. Therefore, seeing those covenants must bind, though all had broken them, and burnt them also, so long as life lasteth, it must be a heinous crime to break them.

9. It will be a breach of covenants, real and hereditary; such as reach not only the persons themselves entering into covenant but likewise their posterity, like that betwixt David and Jonathan, 2 Sam. ix. 7; xxi. 7, and that betwixt Joshua and the Gibeonites, and that mentioned Deut. xxix. 14, 15; for this covenant is of that nature,

as shall appear, if that which Grotius, *de Jur. Bel. ac Pac.*, lib. 2, cap. 16, sect. 16, saith concerning these covenants be considered, where he giveth this as one evidence of such covenants, namely, "When the subject is of a permanent nature," and addeth, "Albeit the state of a commonwealth be changed into a kingdom, the covenant must bind *quia manet idem corpus, etsi mutato capite*,"—though the head be changed, the body of the commonwealth is the same." And again he saith, as giving another evidence of such covenants, "When there is such a clause in the covenant as that it should be perpetual, or when it is such as is made for the good of the kingdom," and addeth, "When neither matter nor expressions can certainly determine, then *favorabiliora creduntur esse realia*,—the most favourable and advantageous are real covenants." So that, by those marks and evidences, it is clear that these covenants are real covenants, obliging not only them but also their posterity; for, 1. The subject, or the person, who did first enter into this covenant was the body or universality of the people themselves, and then their parliaments, in their parliamentary capacity, like the oath of Joshua and the princes, which did bind the people in all time coming, notwithstanding of what they might have said for themselves, as not owning the same, but murmuring against it. Yea, the king, in his princely capacity, sitting on his throne with the crown on his head, in the day of his solemn inauguration—and this, though there were no more, will make it a real covenant, binding the people according to that, *imperator fœdus percussit, videtur populus percussisse Romanus*: as king Zedekiah's oath to the king of Babylon did oblige the people. Now, then, seeing where either the body of a land, their parliaments or their prince, in their several capacities, do covenant, the covenant becometh real and perpetually obliging, much more must it be so where all these three are; and so, these oaths being regal oaths, parliamentary oaths, and national oaths and covenants, they must be covenants perpetually obliging; so that, as long as Scotland hath a king or a parliament, yea, though there should be none of these, this obligation would stand, because *mutato capite, maneret idem corpus*. The subject would be permanent, and therefore the faith of Scotland, being engaged so long as Scot-

land is Scotland, the engagement standeth and will not be dissolved. The faith of the Medes being engaged made it fare the better with their tributary cities, even after the Medes did obtain the empire, and had their state changed: so the public faith of Scotland, being engaged by all persons in all capacities, as long as there are any Scottish men to succeed in those capacities, the obligation standeth. 2. Consider the very expressions of the covenant, and the end thereof, and it shall appear to be perpetual, real and public. In the preface there are these words, "Having before our eyes the glory of God, the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the king's Majesty and his posterity, and the true public liberty, safety and peace of the kingdoms, wherein every one's private condition is included." Sure all this is a public good, and a public national good, to be endeavoured by the kingdom of Scotland in all future generations. And again, it is added, "For preservation of ourselves and our religion from utter ruin and destruction." So in the first article there are these words: "That we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us." And in the second article there are these words: "That the Lord may be one, and his name one, in the three kingdoms." And in the first article there are these words: "We shall each one of us, according to our place and interest, endeavour that these kingdoms may remain conjoined in a firm peace and union to all posterity." So that it is beyond all question the scope and intent of the covenant is public and national. 3. Consider the matter of the covenant, and this will yet further appear, the very matter sheweth this; for, as was said, it is about moral duties, and so, though it were true that *juramenti obligatio personam tantum obstringeret*, yet *ipsa promissio hæredes obligaret*, for, in *ipsa promissione satis est efficacia*,—such a promissory oath is of force to bind the posterity. So, then, this being a public, real, national covenant, it must be a heinous offence to transgress it, and such an offence as their posterity after them were bound to mourn for, when they renewed (as they were bound in conscience to do) the same, after the example of those mentioned, Ezra ix. 10; Neh. ix. 10.



10. It will be the breach of covenants obliging perpetually by the very persons who did solemnly swear and enter into these covenants. This cannot but be a great aggravation of this crime. If it would be a sin for their posterity, some hundreds of years after this, to transgress these covenants, will it not be a greater sin for them to break them in their own days? How unspeakably heinous must it be that the very persons who lifted up their hands, and swore as they should answer to God in the great day, do run counter their own oath, and transgress that covenant? Was it so great a sin for Saul to break that covenant made with the Gibeonites as did provoke the Lord to send three years' famine, and his anger to burn sore against the land, till seven of Saul's posterity were hanged up before the sun, when this was three hundred years or more after the covenant was made, would it not have been a greater sin if, in Joshua's days, he and the very princes who made the covenant had broken it? Sure the posterity, after some hundred years, might have said more for themselves, and have pretended ignorance or forgetfulness of the thing, or some one thing or other, which, for shame, the self-same persons who entered into covenant could not once mention. So then, it is beyond all question that this doth aggravate the guilt of this generation, that it is the same generation (for the most part) which did swear these covenants that doth now break them, seeing they cannot yet be ignorant or forgetful of the many evident demonstrations which God gave of his owning of these covenants, both at the swearing of them and afterward, so long as people made any conscience of standing by them.

11. It would be the breach of covenants sworn with the greatest solemnities imaginable. Whether or not that be true, "That, *quanto crescunt, &c.*, as the solemnities do grow, so groweth the oath," shall not be now debated, though it seem a truth *solenne juramentum non magis obligat ex se et natura sua quam simplex*,—"that an oath accompanied with solemnities hath no stronger obligation of itself, and in its own nature, than a simple oath, wanting such solemnities;" yet, as Dr Sanderson saith, *de Jur. Prom. Obl.*, præl. 5, sect. 12, "The solemnities of the oath do aggravate the sin of perjury necessarily and inseparably;" for which he giveth two reasons, 1. "Because

of the greater deliberation; for these external rites and solemnities are used of purpose to strike into the mind a greater reverence of the action and a greater sense of religion, that so the man might go about the action with greater attention and deliberation, and every sin *cæteris paribus*, is the greater that is done against a deliberate act of the will. 2. Because of the greater scandal; for the more solemnly anything be done it is the more observed, and by more, and therefore the scandal is the more notorious and pernicious." Scripture is likewise clear for this, as may be seen, Ezek. xvii., where the perjury of that king is aggravated from this, among other things, ver. 18, "When, lo, he had given his hand;" that is, when he had solemnly engaged himself by this rite and ceremony of giving his hand. So, Jer. xxxiv. 19, when the sin of the breach of covenant is spoken of, this is mentioned, that they "passed between the parts of the calf," a rite used in making of solemn covenants: it was to have some beast or other divided in two, and the covenanters were to pass betwixt these parts. And, therefore, the breach of those covenants must be a horrible provocation; for in them they gave, as it were, their hand to God, when they lifted it up and swore; and what more solemnity can be used about the making of a covenant than was used at the making of these? Was there not here, as may appear to any who will but look back to what is said upon this subject in the second section, a swearing "unto the Lord with a loud voice, and with shouting, and with trumpets, and with cornets"? (as it were) 2 Chron. xv. 14. The transgressing of those covenants must then be a sin unparalleled.

12. Add to these, that it would be the breach of such covenants against which there is no just exception why they are not of binding force; and this shall be made to appear in the twenty-second and twenty-third sections following; and this will further aggravate the heinousness of this sin of breaking these covenants.

## SECTION XXI.

THE GREAT AND DREADFUL HAZARD OF PERJURY, OR COVENANT-BREAKING, IS DEMONSTRATED.

Having shown how sinful and heinous a crime it is to break covenant, it followeth, in the next place, that it be shown how God's curse and wrath cannot but be expected to follow the breach of covenants (though Machiavel would make his admirers believe that such as broke covenants did prosper thereby. Very heathens can preach forth this doctrine, that God will be avenged on false and perfidious covenant-breakers. Hesiodus, speaking of oaths, said, as Claudian translateth him :—

*Clades mortalibus unde  
Adveniant ? quoties fallaci pectore jurant.*

Whence may not men destruction fear  
Who with deceitful hearts do swear ?

Cicero, *pro Roscio Comoedo*, saith, "Whatsoever punishment is appointed by the immortal gods unto perjured persons, the same is appointed unto liars ; for the gods are wroth for the perfidy and malice whereby snares are laid for others in these covenants ;" and again, in his book *de Legibus*, lib. 2, he saith, "That the punishment with which God punisheth perjury is destruction, and man punisheth it with disgrace." And Hesiodus, as paraphrased by Claudian, saith :—

*In prolem dilata ruunt perjuria patris  
Et poenam merito filius ore legit,  
Et quas fallacis collegit lingua parentis  
Hus eadem nati lingua refundit opes.*

Though perjuries God doth not visit  
On parents, but them long doth spare,  
The children sure shall them inherit,  
Their punishments deferred bear :  
Parents' false tongues do riches gain,  
Children them vomit up again.

Homer, *Iliad* 4, showeth how Agamemnon inveigheth against the perjury of the Trojans, thus, as he is paraphrased by one :—

*Etsi perjuros, violato foedere, Troas  
Jupiter e caelis praesenti haud puniat ira ;  
At quandoque graves, magno cum foenore, poenas  
Hi, cum conjugibus, tum tota stirpe, rependent.*

Though perjur'd Trojans covenant who break,  
Jove doth not plague from heav'n with present ire ;  
Yet sometime shall he on them vengeance take,  
Pay them and theirs with increase of their hire.

And again, *ibid* :

*Contemni numen Olympi  
Haud impune sinunt Superi ; scelera impia quanquam  
Distulerunt ; culpas hominum graviora morantur  
Supplicia.*

The gods, they do not pass unpunish'd those  
Who with contempt the heavenly pow'rs oppose :  
Deserved punishments, though they delay,  
For greater crimes plagues greater waiting stay.

And Juvenal could say that such should not escape sore punishment :—

*Nullane perjuri capitis, fraudisque nefanda,  
Poena erit ? abreptum crede hunc graviore catena  
Protinus ; et nostro (quid plus velis ira ?) necari  
Arbitrio.*

Shall to a false and perjur'd head,  
Of fraud and treachery all made,  
No punishment appointed be ?  
Believe me thou may'st this man see  
In weighty chains and fetters bound ;  
In triumph led, cast to the ground,  
Then have him kill'd at will and pleasure :  
Can all our wrath wish harder measure ?

Hence their fictions of Jupiter's fountain of Tyana ; the waters in Sardinia and Bithynia ; and the Acadian well, which had several malignant influences upon perfidious persons, all speaking out what judgments they expected should follow the perfidious breach of covenants. This same is held forth by their way of entering into covenant, such as their throwing away a stone, and saying *per Jovem lapidem*, thereby imprecating (and so expecting) that if they did wittingly and willingly break that covenant, Jupiter might cast them away as that stone was cast away ; and their throwing of pieces of red-hot iron into the sea, did import that they expected the gods might and would so extinguish covenant-breakers : so also their wishing that God would so strike the covenant-breakers as the public officer did strike or cut the beast, as Livy hath it, lib. 9, showeth what they did look for if they did break the covenant.

Beside that which nature's light might teach Christians to expect from God, as the due punishment of covenant-breakers, Scripture doth plainly hold forth that covenant-breakers shall not escape the judgment of God : "The Lord will not hold him guiltless that taketh his name in vain." The judgment which followed the perfidy of Saul, in breaking the covenant which was made with the Gibeonites, some hundreds of years after it was made, may make Christians to tremble. So these sad threatenings against Zedekiah, Ezek. xvii. 15—20.

"Shall he prosper? shall he escape that doth such things? or shall he break the covenant and be delivered? As I live, saith the Lord God, Surely in the place where the king dwelleth that made him king—he shall die,—he shall not escape. Therefore thus saith the Lord God, As I live, surely mine oath that he hath despised, and my covenant that he hath broken, even it will I recompense upon his own head. And I will spread my net upon him, and he shall be taken in my snare; and I will bring him to Babylon, and will plead with him there." Such as break their covenant and are bloody and deceitful men shall be brought down into the pit of destruction, and shall not live out half their days, Psal. lv. 20, compared with ver. 23. That is a dreadful word, Neh. v. 13, "Also I shook my lap, and said, So God shake out every man from his house, and from his labour, that performeth not this promise, even thus be he shaken out, and emptied." Covenant-breakers need expect no less than to be shaken out of God's house; for the man that "shall ascend unto the hill of the Lord" is that man who hath not "sworn deceitfully," Psal. xxiv. 3, 4; and he that shall abide in the tabernacle of God, is the man who, though he swear to his own hurt, yet he changeth not, Psal. xv. 1, 4. That is a dreadful word, Zech. v. 2, 4, "A flying roll, the length whereof is twenty cubits, and the breadth thereof ten cubits—shall enter into the house of the thief, and into the house of him that sweareth falsely by my name; and it shall remain in the midst of his house, and shall consume it, with the timber thereof, and the stones thereof." And Jer. xxxiv. 17, "Behold, I proclaim a liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine, and I will make you to be removed into all the kingdoms of the earth;" ver. 18, "And I will give the men that have transgressed my covenant, which have not performed the words of the covenant which they had made before me, when they cut the calf in twain, and passed between the parts thereof;" ver. 20, "I will even give them into the hand of their enemies, and into the hand of them that seek their life: and their dead bodies shall be for meat unto the fowls of the heaven, and to the beasts of the earth." Doth not the Lord, Mal. iii. 5, say that he will be a swift witness against false swearers? And Lev. xxvi. 16, he saith, "I will even ap-

point over you terror, consumption, and the burning ague, that shall consume the eyes, and cause sorrow of heart" to such as will break covenant; and again, ver. 25, he says, "I will bring a sword upon you, that shall avenge the quarrel of my covenant." Yea, perjury occasioned the ruin and destruction of the kingdom of Judah; for Zedekiah, the last king thereof, was perjured, and therefore was pursued by God, and sold into the hands of the Chaldeans: so did it occasion the ruin of the kingdom of Israel; for Hoshea, the last king of that state, was a covenant-breaker also, 2 Kings xvii. 3, 4. He became a servant to Shalmaneser, king of Assyria, and gave him presents, and yet, thereafter, he dealt falsely; for the king of Assyria found a conspiracy in him, and he and his people, in the ninth year of his reign, were carried away to Assyria; and so both those kingdoms of Israel and Judah were ruined and brought to an end by the perjury of these two last kings. So likewise the rites used at making of covenants mentioned in Scripture, as the passing betwixt the parts of the cut calf, Jer. xxxiv. 18; Gen. xv. 17, say, that they wished (and so looked for) the like defection to the breaker of the covenant.

As thus it is seen out of the Scriptures of truth how certainly sore judgments have followed, and will follow, that sin of perfidy; so profane histories abound with instances of God's pursuing this sin with sad and fearful judgments. And Florus saith, lib. 51, 52, that perfidy occasioned the destruction of the famous city of Carthage, which did strive with Rome itself in point of grandeur; as also that it occasioned the destruction of Corinth, of Thebes, and of Chalcis, three famous cities of Greece. Hannibal was notoriously perfidious, and (as Livy saith, lib. 39) he got a meeting; for though he had fled to Prussia for his life, and sheltered himself in a house having seven entries, and some of them under the ground, yet he could not escape, but, seeing himself ready to be taken, he drank the poison which he had prepared, and so ended his days. So it is reported of Virius Campanus, the senator, and twenty-seven others, who, having broken covenant, did expect no pardon, and therefore killed themselves. Livy, in his 29th and 30th book, sheweth how Syphax, king of Numidia, through perfidy, lost both his kingdom and his life. After he had made a league with the Romans he cove-

nanted with the Carthaginians, their enemies, being seduced by the affection of Sophonisba, daughter to Asdrubal, and so went with them to battle against Scipio, and, being taken prisoner by Scipio, he confessed he had done madly in waging war against the Romans, and had broken covenant; and by this means his kingdom came under the power of the Romans. So Livy sheweth, lib. 21, how the Carthaginians were overcome by the Romans, after they had basely broken covenant, which Asdrubal, in their name, made with the Romans, and which had been observed all his days. And of this victory obtained by the Romans, Hanno, a Carthaginian, hath these expressions: *Mox Carthaginem circumsidebunt Romanæ legiones, ducibus iisdem diis, per quos priore bello rupta fœdera sunt ultî—* Vicerunt ergo dii hominesque, et, id de quo verbis ambigebatur, uter populus fœdus rupisset, eventus belli, velut æquus iudex, unde jus stabat, ei victoriam dedit,—"The Roman legions shall besiege Carthage, having the same gods to be their leaders who in the late war did avenge a broken covenant—Gods and men did overcome; and the event of the war, as a just judge, giving victory to them who had the best right, did decide the controversy, namely, which of the parties had broken covenant before." Herodotus relateth a story of one Cydias, an innkeeper, with whom one Archetimus left some gold to keep till he had returned from doing some business: when Archetimus required his money again he denied that he had it;—at length the matter is referred to his oath, and a day is appointed for that end, against which day Cydias prepareth a hollow staff, wherein he putteth all the gold, and, feigning himself to be sick, he taketh the staff in his hand, and cometh to the church where he was to swear, and when he cometh thither he giveth Archetimus the staff to hold until he had given his oath; and when he did swear that he had given back all the gold which he got to keep, Archetimus was so offended, that he did cast the staff to the ground in his anger with such force, as that thereby it brake in two, and the gold appeared, and the deceit of Cydias was discovered. Now what came of this Cydias? *Malum vitæ exitum habuisse dicitur*, saith our author,—it was reported he made an ill end. The same Herodotus, lib. 6, relateth another story of one Glaucus, in Sparta, with whom

Milesius left some considerable sum of money, and when, after Milesius' death, his children came to seek the money, he denied that he had any money, and, after they went from him, he went and consulted the oracle at Delphi, and there had this oracle, as our author rendereth the words of the Pythia:—

*At juramenti sine nomine Alius, idem,  
Et manibus pedibusque carens, subito advenit usque,  
Dum omnem corripit perdens prolemque domumque.*

Oaths have an issue without name,  
Which hath no hands, of feet is lame,  
Yet it with force and speed doth post,  
Roots house and offspring from their coast.

Glaucus, hearing this, gave again the money, and yet shortly thereafter he and all his family was utterly extinct. And therefore Juvenal, sat. 13, closeth his history thus:—

*Has patitur poenas peccandi sola voluntas;  
Nam scelus intra se tacitum, qui cogitat, ullum,  
Fucti crimen habet.*

Thus was he plagued who never did commit  
The fact, only his will was bent to it;  
For who contriveth evil secretly  
He of the fact is guilty really.

Memorable is the history of the perfidious dealing which John Huss did meet with (as it is recorded by Sleidan, in his *Comment.*, fol. 43, edit. 1559), who, in October 1414, was called by Sigismund unto the council at Constance, having the public faith engaged for his security, or a safe conduct granted to him, and, within three weeks after he came thither, was made prisoner, with which Sigismund was offended, it being done in his absence; but being informed how there was no faith to be kept unto heretics, he not only misregarded the petitions of the Bohemians, requesting him to keep his promise, but also condemned the said John Huss to be burned, and his ashes to be scattered on the river Rhine. Thus did that emperor make shipwreck of his good name, who, in another case, said, *Facilius rerum quam famæ jacturam subibo*,—"I shall lose all before I lose my credit." And, moreover, there was a canon made, that no promise should be kept unto heretics, or to such as were suspected of heresy, notwithstanding that the emperor should engage his public faith for their safety when called to any council. But what followed upon this perfidious dealing? When the report of the execution of John Huss and Jerome of Prague spreadeth through Bohemia, there ariseth great tumults, which draw to a war

under the valiant and renowned Johannes Ziska, which was so bloody and cruel that Sigismund was forced to implore help of the empire.

Memorable is that passage in the Turk's history concerning the covenant betwixt Uladislau, king of Hungary, and Amurath, for ten years' peace, and the consequences of the breach thereof. This Uladislau was moved by great kings and princes, as well Mohammedans as Christians, and also by John Palæologus of Constantinople, and by Francis the cardinal of Florence, general of the Christian fleet, who showed him how low Amurath was brought, and what fair advantages the Christians had; and especially by Julian the cardinal, who had a long speech to this end, pressing him to break that covenant, and, having ended his discourse, in name of the Pope, he disannulled the league, and absolved Uladislau and all whom it might concern; whereupon the war was renewed against the Turks, and when battle was joined, near to Varna, the victory began to incline to the Christians, so that Amurath was thinking to flee, but was stayed by a private soldier; and, when he saw the great slaughter of his men, beholding the picture of a crucifix in the displayed banner of the Christians, he plucked the paper out of his bosom which did contain the late league, and, holding it up in his hand, with his eyes cast up to heaven, said, "Behold, thou crucified Christ, this is the league which thy Christians, in thy name, made with me, which they have without cause violated; now, if thou be a God, as they say thou art, and as we dream, revenge the wrong now done unto thy name and me, and show thy power upon thy perjurious people who, in deeds, deny thee their God." A little thereafter Uladislau is killed, and his head is stuck up on the point of a spear, his army is broken, Julian the cardinal is found mortally wounded by the wayside in a desert, scarce the third part of the Christian army escapeth, and long after this the war with the Turks had very ill success.

It is reported of Rodolphus, duke of Suavia, that, being instigated by the Pope, he waged war against Henry IV., emperor of Germany, contrary to his oath, having a crown sent to him with this motto:—

*Petra dedit Petro, Petrus diadema Rodolpho.*

The Rock gave't Peter, Peter so  
On Rodolph doth this crown bestow.

But, in fight, Rodolphus lost his right hand, and, falling sick, he called for it, and said, "Behold this my right hand, which hath suffered a just judgment, which, through your importunity, contrary to all equity, broke that oath which was given to Henry, my lord and master."

Fuller, in his *History of the Holy War*, speaking of the causes of the many losses which the Christians had in that undertaking, saith, "How could safety itself save this people and bless this project, so blackly blasted with perjury,—a sin so repugnant to moral honesty, so injurious to the peace and quiet of the world, so odious in itself, so scandalous to all men: to break a league, when confirmed by oath (the strongest bond of conscience, the end of particular strife, the soldier of public peace, the assurance of amity betwixt divers nations), is a sin so heinous, that God cannot but most severely punish it. No wonder, then, that the Christians had no longer abiding in the holy hill of Palestine, driving that trade wherewith none ever yet thrived, the breaking of promises, wherewith one may for a while fairly spread his train, but will melt his feathers soon after. The fabric must needs come tumbling down whose foundation is laid in perjury."

In the history of Scotland there are several memorable passages to this purpose: When Durdus, the eleventh king, was pursued by the nobles for his wickedness, and had promised to amend his manners, he did solemnly swear to pass in oblivion all bygones, but thereafter he treacherously killed the nobles at a feast unto which he had invited them. But what followed upon this? The body of the land rose up in arms against him, and he was killed in battle. Thus did God pursue him for his perfidy. It is recorded by Buchanan, on the life of Gregorius, that the Britons, after they had made a peace with the Scots, did break their covenant, and invaded the Scots. But divine vengeance pursued them for this; for they were broken and defeated by Gregory at Lochmaben, and their king, Constantine, was killed. Memorable is that story of Balliol, who, to get the kingdom, promised and swore subjection unto the king of England, and, thereafter, having received some ruffle at the court of England (for, being accused by one Macduff, he was constrained to stand at the bar, and there to defend himself), he reneweth the old league with France, and

casteth off England, contrary to his oath, alleging that he was forced to give that oath, and that, albeit he had done it willingly, it could not stand, because he had not the consent of parliament, without whose consent the king might do nothing in matters belonging to the whole kingdom. But these shifts could not clear him from perjury, nor free the land from wrath, because of that sin; for war was raised, and, at Berwick, above seven thousand of the Scots were killed, even the flower of the nobility of Lothian and Fife: the castles of Dunbar, Stirling and Edinburgh were taken; Baliol himself was at length apprehended and sent prisoner to London,—all the nobles were called by King Edward to Berwick, and there were forced to swear subjection to him. And thus was the kingdom kept under a long time by the English, save what liberty was obtained by renowned Sir William Wallace; but this did not last long, for Scotland was again subdued, and King Edward called a parliament at St. Andrews, where, again, all the nobles (except Sir William Wallace) did swear allegiance unto him; and this was the sad fruit of perjury which made the land mourn many a day.

When Cuming and Bruce made a compact together at London for to endeavour the liberating and delivering of the kingdom out of the hands of the English, and had given an oath of secrecy and faithfulness to other, Cuming perfidiously did reveal the matter unto King Edward; but for his treachery God pursueth him, for ere long he is killed by Bruce in the church of Dumfries. About the year 1447 England breaketh their promise of truce unto Scotland, and useth some incursions to spoil Scotland; but being paid home by the Scots, it draweth to a war on the south borders, and there England is foiled, and loseth three thousand, beside many prisoners, and the Scots obtain a great booty; for the English did certainly expect the victory, and therefore came forth more for pomp and glory than for fighting.

About the year 1535, the king of England sent to Scotland to commune with the king about some solid peace and agreement for the time to come, and offered to King James V., then unmarried, his daughter, and to make him king of Great Britain after his death, and, in the meantime, to give him the style of the duke of York. King James, pleased with these proffers, assenteth, and

condescendeth on a day on which he should meet with the king of England, and accord upon all matters. But, at the instigation of the popish churchmen and other courtiers, who were driving on their own design, he breaketh his promise with the King of England; and when, 1540, ambassadors were sent again from England to desire that the king would go to York, and there treat with the king of England, conform to the last agreement, the priests stood in the way here also, with which the king of England was offended, and resolved to raise wars against Scotland. The result of which war was, that at length the Scottish forces were all scattered and broken, at the report of which defeat the king was so grieved and vexed that within few days he died.

Again, when King James V. dieth, the king of England communeth with the Scottish prisoners, whom he had taken at the last battle, concerning the marrying of his son, with the young queen, King James's daughter, and when they promised to do what they could, without wronging either the public good or their own credit, he sent them home, appointing them to leave some pledges in their room at Newcastle. This was in the end of the year 1542. When the parliament convened in March next the business was concluded, and thereafter the contract was signed by both kingdoms, and solemnly subscribed in the abbey of Holyroodhouse; and the sacrament was broken (as the form was) betwixt the governor of Scotland and Mr Saddler, ambassador from England. But the old queen and the cardinal, being against the match, stirreth up all to a breach, and persuade those who had been prisoners in England not to return thither to relieve their pledges: only the earl of Cassilis (from whose constancy and faithfulness the earl who now is is not degenerated, but, as his predecessor was sole in keeping covenant, so is he singular) went, according to his promise, and relieved his own pledges, and, being approved by Henry for his constancy and faithfulness, was freely set at liberty and sent home. But what followed upon this breach of covenant? Many sad intestine broils and commotions, tending to the weakening and breaking of the kingdom; and at length King Henry took occasion to avenge this breach of covenant, and sent his navy towards Scotland, landing ten thousand men at Leith, who did burn Edinburgh and many places thereabout; and

again, his army did enter the borders, and waste and burn all about Kelso and Jedburgh; and thereafter they spoil and waste all the Merse, Teviotdale and Lauderdale; and some years thereafter, namely, 1547, he sendeth a great army again into Scotland, and, when it lay about Pinkie, there was a letter sent unto the Scottish forces, showing the ground of the war not to be avarice, hatred or envy, but a desire of a firm and lasting peace, which could not otherwise be had than by the marriage which was proposed and assented unto by the estates, and an agreement thereupon sworn and subscribed; but the Scottish army would not hear of this, but resolve on battle, and at length were overcome and suffered great loss; for almost all the young noblemen of Scotland, with their friends and followers, were killed. This 10th of September, 1547, may yet preach unto Scotland how God will avenge perfidy, and all the nobles and others of Scotland, who have now broken covenant, may remember Pinkie field.

The French history sheweth us what way the Lord avenged the bloody perfidiousness of Charles IX., who had broken five or six several pacifications and conclusions of peace solemnly made and ratified betwixt him and the Protestants; for he was smitten with a vehement disease, causing him to wallow in his own blood, which he vomited out in great abundance, by all the conduits of his body, for divers hours, till he died; and how Henry III., who had been perfidious in breaking the articles of peace concluded with the Protestants, first about the year 1576 (where, among other things, he avowed, by solemn declaration, that the massacre committed 1572 was against all right and law of arms), and then again, 1580, was stabbed in the belly with a knife, by James Clement, a Jacobin friar, in the very chamber where the former king contrived that barbarous massacre on St Bartholomew's day, 1572.

And who is well versed in history may fill up many pages with such sad and lamentable histories concerning God's avenging covenant-breaking: those which have been mentioned may suffice for a taste.

## SECTION XXII.

THE SOLEMN LEAGUE AND COVENANT VINDICATED; AND THE AUTHOR OF "THE SEASONABLE CASE," &C., ANSWERED.

The last thing which remaineth is to show the vanity of their pretensions who plead the nullity or non-obligation of those covenants. It is matter both of admiration and of grief and sorrow that there should be any found within the church of Scotland, who had so far forgotten themselves as now to turn not only enemies to piety and Christianity, but enemies also to very humanity; and not only break covenant ties themselves, but also teach others to do the same, and that without any fear of punishment either from God or man. But God, who is jealous, will not be mocked, let men dream of exemption as they please, and, by sophistical shifts, think to blind their own eyes and the eyes of others. God, who will not hold them guiltless that take his name in vain, will, no doubt, by sad answers from heaven, discover the impiety and folly of these patrons of profanity and inhumanity. Several in the kingdom of England have vented their skill in that black art of loosing the bonds of sacred covenants; but their principles, tending to all profanity, have been sufficiently discovered and answered by Mr Crofton and Timorcus; and there is one in Scotland who, in a late pamphlet, entitled *The Seasonable Case of Submission to the Church Government, &c.*, trieth how far his skill will reach in this art. O how fitly may that of Plautus be applied to this generation!

*Nostra ætas non multum fidei gerit;  
Tabula notantur, adsunt testes duodecim;  
Tempus locumque scribit actuarius;  
Tamen invenitur rhetor qui factum negat.*

This age wherein we live is void of faith;  
For writs are signed twelve witnesses before,  
The notar writ'th both time and place, what more,  
Yet com'th a man of words who all deni'th.

But who the author is, who can tell? for though the pamphlet be published by order, and so countenanced by authority, yet he putteth not to his name, being (as would appear) ashamed to patronise such a bad cause; and, least of all, can he be known by the description he giveth of himself in the frontispiece, "a lover of the peace of this church and kingdom," unless he mean such

a peace as is the plague of God upon the heart, filling it with senselessness and stupidity, and lulling it asleep in his just judgment, because of the palpable breach of a covenant, or such a peace as is very consistent with the curse and vengeance of God pursuing the quarrel of a broken covenant. But whoever he be, he trieth his skill and strength in pulling down both the solemn league and covenant (with which he both beginneth and endeth) and the national covenant (which he fighteth against on the by), and his strength in this matter must be tried :—

In dealing with the solemn league and covenant he layeth down three main grounds :—

The first is this, p. 22 : “ That an oath, howsoever in itself lawful, yet the case may be such that, by something following after, it may cease to bind, yet the case may be such that it cannot lawfully be kept.” It will not be necessary to examine this at any length as it is here set down, but it will be sufficient to examine it in so far as it maketh for the purpose in hand, and that will be, by examining whether the cases wherein he allegeth this holdeth good, will suit the covenant now under consideration.

He mentioneth three cases: the first is this, “ When the matter of an oath is such as doth belong unto a superior to determine in, then the oath of the inferior ceaseth to oblige when the superior consenteth not to what is sworn. This is both agreeable to reason, because no deed of the inferior can prejudice the right of the superior, and also sound divines do acknowledge this, upon the common equity of that law, Num. xxx. 4.” Unto which these things may be replied : 1. Whether the relation betwixt subjects and magistrates be so strait as is the relation betwixt parents and children, and betwixt husband and wife, may be somewhat questioned as to the matter in hand, the one being natural, the other but political ; the one such as cannot be changed at will, the other such as may. A man may choose to live under what magistrate he will, but a woman cannot cast off her parents and her husband when she will, and take others ; and therefore there may be a greater latitude allowed in the one case than in the other. And whether magistrates and subjects come within the compass of that text, Num. xxx., may be questioned also, seeing there is nothing in the text hinting

at this ; yea, though Moses be speaking to the heads of the tribes concerning the children of Israel, yet he maketh no mention of this case, nor of any other, except of two, namely, a woman under a husband, and a woman not *foris familiae*. And though analogies may be allowed in some cases, yet there ought to be a clear ground out of the word for such analogies as will found an argument against the obliging force of oaths ; such analogies as will warrant consciences in this case had need to be very clear and undoubted. 2. Though this analogy were granted, yet this case will speak nothing to the point in hand, unless it were proved that there were no civil magistrates in Scotland beside the king, and that all, even the estates of parliament, convened in parliament, were subjects, and nothing else but subjects ; and so, though the parliament, and all the land, at the command of the parliament, should take an oath, it should not bind if the king dissented therefrom. But there is enough said above to show that supreme sovereignty did never so reside in the kings of Scotland as that parliaments, even in their parliamentary capacity, were no sharers thereof. And this one thing is enough to disprove this fancy, namely, that the legislative power, which is an eminent part of sovereignty, did always (in part at least) belong unto the parliament of Scotland ; for they statute and ordain, together with their sovereign lord, and therefore their acts are called the acts of parliament ; yea, without a parliament the king can make no laws, yea, nor can he make a law without all the estates of parliament. But of the power of the parliaments of Scotland in making laws, yea, and over the king himself, enough hath been said ; and therefore this case doth not concern the matter in hand. 3. Let this be given, though it cannot be granted, yet this case will not help his cause ; because it can hold good in no other thing but such in which the inferior is subordinate to the superior, and is, by the law of God, subject unto him,—as the daughter, in the matter of her marriage, or the like, is subject unto her parents, and the married wife, in the disposal of domestic goods and affairs, is subject unto her husband ; but in matters of religion, and in moral duties, no wife is so subjected unto her husband, nor daughter unto her parents, as that they can loose the obligation of their vows and promises ;—yea, in this



case it will be easily granted that inferiors may vow and covenant, not only without, but even against the command of superiors, for it is always better to obey God than men. Now it hath been shown above that these covenants are about moral duties and matters of religion, wherein inferiors are not to wait upon their superiors, but must advance whether they will or not. But to this he replieth, p. 23, "That such as plead the obligation of the covenant, in the matter of Episcopacy, must suppose that it is indifferent or not unlawful; for if, by God's word, it be found unlawful, then, whether there had been a covenant against it or not, it cannot be allowed." It is answered, (1.) It will not be a fit place here to launch forth into the dispute concerning Episcopacy, and more is already said against it by many famous and worthy divines than is, or in haste will be, answered; and, as for what this author is pleased to say for it, and against presbytery elsewhere in his pamphlet, it is but that which hath been said and said over again by others before him, who knew to put their arguments in a better dress than he doth, and is sufficiently answered by others; but if he had brought any new arguments forth to the field, it had then been fit to have taken some notice of them. But, (2.) Whereas he thinketh that such as plead the covenant obligation must suppose that Episcopacy is a thing indifferent, and that presbytery is nothing else, he runneth alone, without the company of any Casuist or divine, for all do grant that an oath may be *de re licita et possibili*,—"concerning a matter lawful and possible;" and, particularly, that it may be about a matter morally good; and that in things morally good an oath hath an obliging force: *Ad quæ præstanda* (saith Dr Sanderson, *de Jur. Prom. Oblig.*, præl. 3, sect. 6) *vel injurati tenemur, jurati multò tenemur magis, accedente scilicet ei quæ præfuit, ex præcepto, novâ obligatione, ex jurejurando*,—"for the doing of those things which we are bound to do, though not under an oath, being under an oath, we are much more bound; for, to the former obligation, arising from the command, there is a new obligation added arising from the oath." Had not the covenants and oaths which the children of Israel swore, concerning moral duties, the law and the worship of God, an additional tie and obligation? Jer. l. 5; Jos. xxiv.; Deut. xxix. (3.) By

this means this author would take away this piece of God's worship and service, of vowing and swearing unto him, for it must either be about things necessary or about things indifferent; but he will have no oath or vow made about things necessary, because, says he, that is needless; nor will he have any oath or vow made about things indifferent, as shall be seen afterward; and so, if he speak truth, there ought to be no vows or oaths at all. (4.) But why may not people look even to the covenant obligation in things determined by the word? Doth not God lay the breach of covenant oftentimes unto the charge of his people? And doth not this say that they were bound to look to their promises and obligations? It is true that oaths and covenants should not be the only ground upon which to plead the lawfulness of such or such things, yet these promises, vows and covenants, ought to have their own secondary place. So, then, it is a poor thing to say that such as plead for the standing force and obligation of the covenant must suppose that Episcopacy is a thing indifferent; for, by this same reason, they must suppose also that the other great duties which are engaged to in that covenant, relating to true religion and a holy life, from which (himself saith, p. 37) no power on earth can loose, and to which they are indispensably tied, are of an indifferent nature, which were most reasonless and absurd. (5.) This is a hard case unto which this author would bring the covenanters, namely, that either they must quit the obligation of the covenant, or else say that all those particulars sworn to in the second article (which is the article he mainly instanceth) are but matters of indifferency, and consequently say, that not only Prelacy in its height, as hierarchial, but Popery, heresy, schism, and everything which is contrary to sound doctrine and the power of godliness, are matters of indifferency. But would he say so in his own case? If one who had taken the oath of allegiance, or fidelity, to his lawful prince, or the oath *de fidei administratione*, in some office or other, should afterward allege that these bonds did not bind him; for either the matter there obliged to was a thing indifferent, and if so, he was not bound to wrong his liberty, or else duties antecedent to the oath, and then the oath hath no force on him, and he is no way perjured, though he cross a hundred of those oaths. Now what will this author

reply in this case? Hath he not (as it is usual for such as plead for error) in seeking to wound the covenanters, killed himself; and what evasions he findeth out for subjects to reject all the bonds of oaths imposed by superiors, every one seeth; and whether, in so doing, he doth his Majesty good service, and acteth the part of a loyal subject and faithful Casuist, any may judge?

But, to proceed in the examination of the case set down, 4. Let this also be given unto this author, though it may not be granted, he will not gain his cause; for, let it be supposed that Episcopacy is a thing indifferent, will it thence follow that the church may not determine, in a matter of indifferency, concerning church government, without the supreme magistrate's express consent? Whether is the church or the magistrate the fittest judge of that government which best suiteth the church, and tendeth most to edification, and is most expedient? Whether are the churches that live under the Turk more able to judge of the most expedient edifying way of church government or the Turk himself? If he reply, That he speaketh of Christian magistrates, it is answered, That heathens are as essentially magistrates as Christians are, and that text, Num. xxx., groundeth no more an analogy for Christian magistrates than for heathens; and if that be a law, then he would remember that *non est distinguendum ubi lex non distinguit*, and that Christians may be subjects unto heathen magistrates is beyond all question. And therefore if this arguing hold good, a Christian church, living under the Turk, might not vow to maintain and follow such a form of church government, as they judged most agreeable to the word of God, most advantageous for the ends of government, because, forsooth, it were a prejudging of the right of the great Turk, their superior. If he reply that the case is altered because of the Turk's granting liberty unto these churches to do in these things as they think meet: *Ans.* Then the Turk is a better friend unto the church than the Christian magistrate, and it were better for the church to be under the Turk than under a Christian magistrate. 5. Let all this be yet granted, by way of supposition, he will not gain his point, for their oath in this covenant doth not prejudge the right of the superior, because they swear only to endeavour, in their several places and callings, such and

such alterations; and what encroachment can this make upon the superior's right? May not a wife or a daughter swear, in their places, and according to their callings, to endeavour the alteration of such or such a thing in the family, and yet never attempt it without the consent of the parent or husband? May not her oath be lawful, and bind her to use all fair and lawful means to move and incline the parent or husband thereunto? So that, whatever he be pleased to say of the way of Scotland's carrying on that business (in which how foully he erreth may be shown hereafter), were it granted to him, will make nothing against the covenant, concerning the obligation of which is the difference now. Till, then, he make it appear that the covenant, as worded, did directly prejudge the right of the superior, his allegiance is frivolous and groundless. 6. This might be granted to him also (which yet cannot be done) and his cause gain no advantage, and that for this reason, because that place, Num. xxx., expounded according to his own gloss and commentary, maketh for the covenanters every way; for, (1.) They had no open dissent declared. It is true there is mention made of a proclamation, declaring it unlawful to enter into that covenant, but Mr Crofton, in his *Analepsis Analephthe*, p. 120, saith that it was not regular, being done without the advice of his council, who are veiled by the session of parliament; and sheweth also how it was a breach of privilege. But, as to that, this may satisfy, that as that proclamation did not annul the act, but only prohibit it, so it did not concern them in Scotland. Now, if the parent or husband hold his peace, the oath is confirmed *requiritur* (saith Dr Sanderson, *de Jur. Prom. Oblig.*, præl. 4, sect. 6), "It is required that there be a clear intimation of this dissent, for it is not enough for the father to say he is not well pleased with such a vow, but he must openly contradict the same." In refusing he must refuse it, and in taking it away, he must quite take it away, as if he had said, he must constantly, in very deed, refuse and prohibit the same, by his full power and authority. (2.) Dr Sanderson, *ubi supra*, præl. 4, sect. 6, saith that a tacit consent will suffice, that is to say, saith he, "When he who sweareth may in probability presume that the superior would not refuse if his consent were asked." Now, had not Scotland this tacit consent, when, some years before, the king

had ratified acts of parliament, discharging church government by prelates? Yea, more, they had a formal and express consent (having an act of parliament made by king and parliament against the prelates) unto the thing which they did then vow and promise. (3.) This dissent must be presently testified in the very day he heareth thereof: If one day pass, the oath is ratified; for, saith the forecited Dr Sanderson, *ubi supra*, "he who signifieth his dissent too late may be thought for some space of time to have consented." Now, this proclamation was not before the 9th of October. (4.) This dissent must be constant (as saith the forecited author); for if at any time thereafter he yield, the oath standeth in force; for his former dissenting did not make the oath no oath, nor loosed its obligation, but only hindered its execution, and so now, the impediment being removed, the oath should be followed forth, and what is promised therein should be performed. And the covenanters have this to say, That the king gave his after-consent unto the oath, when he said in his soliloquies, "That good men should least offend God and him in keeping of it." But, to put this out of all doubt, the king who now is (as was shown above) did solemnly own this covenant, and approve of all that was done in carrying on the ends of it, and promised that he would look upon the friends of the covenant as his only friends, and the enemies thereof as his enemies. And now, *quod semel placuit amplius displicere non debet*,—"that which once pleased cannot again displease him."

But to this the author replieth thus: "It would be considered, if it was the Lord's mind in that law, that if children or wives, having vowed, should, by some means, drive their parents or husbands out of the house, and bargain with them either to ratify their vows, or never to enjoy these comforts, that then the consent so obtained should be irrevocable." *Ans.* 1. He can be in no worse case as to this matter of giving his consent, than he would be as to his swearing of an oath. Now, it is granted by Casuists that an oath, unto which a man is forced, doth bind, if the matter be lawful, otherwise all oaths might be evaded, by alleging that force constrained to it: even the oath of allegiance might be questioned upon this account; for it hath a penalty annexed to it, and so the swearers thereof may pretend that they were forced thereunto by the pe-

nalty. Was not Zedekiah's oath to Nebuchadnezzar forced? Dr Sanderson's determination in this may satisfy. He, *ubi supra*, præl. 4, sect. 5, saith, "If the matter required, by force or sad fear, be not unlawful nor injurious to any, but only somewhat disadvantageous to the swearer,—as, if one travelling should fall among robbers, that, with drawn swords, would threaten his life unless he would promise them such a sum of money with an oath: in this case it is lawful both to promise the money and to confirm the promise with an oath. I say such an oath doth oblige." And he giveth these reasons why the oath obligeth: (1.) "Because he sweareth a thing lawful and possible; (2.) He did choose that which seemed best for that instant; (3.) What is promised for a certain end should be performed when the end is attained." Yea, which is more, an oath into which one is cheated (in which there is less real will than in an extorted oath) obligeth, as that to the Gibeonites. So then, if an oath into which one is forced doth oblige, much more will a consent to an oath stand, though extorted by fear, especially seeing the text maketh no such exception. But, 2. How can he say that such as were for the covenant did deprive the king of all his worldly comforts, seeing it was conscience to that covenant that moved Scotland to call home the king, after that the covenant-breakers had taken away his father's life, and had banished himself; and how can this shameless man say (as he doth, p. 24), "That the covenant was contrived and carried on, as if the design had been laid to extirpate Episcopacy whether the king would consent or not, or whatever course should be taken to force his consent *vi et armis*," when he cannot but know that before ever there was a word of this league and covenant (of which he is now speaking) Prelacy was rooted out of Scotland.

But he will reply, that Scotland did suspend this king from the exercise of his royal power until he consented, which was an unparalleled way of usage from subjects to their sovereign. *Ans.* This gentleman would speak sparingly, lest he run himself into a *premunire*, for the estates of Scotland did nothing but what the laws of the land allowed them to do. There was an act of parliament, parl. 1, act 8, King James VI., enjoining the king, at his coronation, to swear "to maintain the true religion of

Christ Jesus, and to rule the people according to the loveable laws and constitutions received in this realm, and to procure to the uttermost of his power, to the kirk and Christian people, true and perfect peace ;” and this oath King Charles I. did swear ; and what wrong did the estates of Scotland when they caused King Charles II. swear the same ? It is true that both the national and solemn league and covenant were tendered to him also ; but what was there in either of those different from this oath ? All the question is about Episcopacy, and was not Episcopacy abolished fully by act of parliament, and by an act of parliament ratified and approved by King Charles I. himself, being personally present, 1641 ? and so was not this a received and an approved law, as full and formal as ever any law made by any parliament in Scotland was ? And what wrong was it, then, to put this king to swear to rule them by their own approved and allowed laws ? By this it may be seen that reverend and learned Mr Crofton and the authors of *The Covenanter’s Plea*, are mistaken through misinformation, when indirectly, at least, they allege, or take it for granted, that the Scots dealt uncivilly and disloyally with their prince in this business ? And the reader must be entreated to look on that escape, as flowing from no ill-will which they carry unto the estates of Scotland, but merely from want of information, though it had been wished that they had forbore to have vented in public any such reflection until they had been better informed. But, further, to go on in speaking to the author now under examination : At that time when the king was crowned, it became him and all to have construed otherwise of his Majesty, and to have said with Cicero, *de Offic.*, lib. 3, *Quasi vero, forti viro vis possit adhiberi*,—“ as if a stout and constant man could be forced unto any such thing ;” and with Dr Sanderson, *Pius esse nequit qui non est fortis*,—“ he who is not thus stout and constant cannot be a godly man.” But now, seeing it hath pleased his Majesty to declare unto the world in print, that he did swear that covenant against his will, all are bound to give him credit ; but, withal, this must be said, That Scotland is at a great loss, not knowing how they shall be secured in anything, or how they shall know when kings, at their coronation, do swear willingly, and when not : and on what ground they now stand who can know ? for

it may be as well said that he swore that oath, which was enjoined to be sworn by the first parliament of King James VI., against his will ; and, upon this ground, it may be alleged that he is not now bound to maintain the true re’ormed religion, nor yet to rule the land by the laudable laws thereof, but only according to his own will and pleasure.

But this author goeth on and saith, “ It would be considered whether this be *de jure naturali*, that a consent of a superior once given to the vow of an inferior, he hath no power to revoke his consent upon reasonable causes, and to make void the vow : Lessius thinketh the precept is *eatenus* judicial. *Ans.* He would gladly put to his *Amen* unto this, if he did not fear to be hissed at. What Lessius, or any of his stamp say, is not very material ; but whereas he thinketh that that part of it is judicial, he had done better if he had given one word of reason for it. But if he thinketh that that part of it is judicial : what if others think that the rest of it is judicial also, and so it be wholly laid aside as judicial ? But whoever these great scholars are who think that the superior may revoke his consent, it is too, too apparent that they are not great divines, who would teach people thus to falsify their oaths and promises ; nor are they good royalists, who, with Machiavel (who saith, “ Princes should not have virtue, piety, faith, religion or integrity ; yea, that it is dangerous to them to use those always, and that it is necessary sometimes for them to do contrary to their faith and promise, and turn with the wind”), would teach kings to take their word again, when as

*Nudo jus et reverentia verbe  
Regis inesse solet quovis juramine major.*

King’s words have weight and great respect,  
More than all oaths which men exact ;

and undertake to maintain that maxim, *principi nihil est injustum quod fructuosum*,—“ That a prince can do no wrong, whatever he doth, if it be for his own gain,” seeing Solomon, that wise king, saith, Prov. xvii. 7, that lying lips become not a prince ; and the emperor Charles V., when asked by Ludovic, palatine of the Rhine, why he would not break his promise to Luther, said, “ That though faith in keeping of promises should be banished out of all the world, yet it should remain with the emperor.” But Dr Sanderson, a better Casuist than this au-

thor, resolveth the case otherwise, *ubi supra*, præl. 7, sect. 6, saying, "If the superior hath once confirmed the promise by his express consent, antecedent or subsequent, he cannot afterward make that promise void and null, or loose its obligation." Now, it was shown before, that the Scottish covenanters had more than his Majesty's consent,—they had him swearing the same thing; so that there can be no power of revoking, or of doing, or of putting his inferiors to do anything contrary to the oath. And what saith this author unto this? He saith, forsooth, "That it is granted, unless upon some other ground there be a clear loosening of the superior's oath, and a ceasing of the obligation of it." *Ans. Spectatum admissi, risum teneatis amici.* Seeing he had a mind to say this, why hath he troubled his reader all this while? What these other grounds are he hath not yet shown, and this is a fair confession that he hath been beating the wind; and therefore this first case is sent away with disgrace, for now, at length, he is ashamed of it, and it may be he shall have cause likewise to be ashamed of the rest ere all be done; for it is *malum omen in limine cespitare*.

The second case which he mentioneth shall be thus summed up: When the matter abideth not in the same state, but something in providence occurreth before the accomplishment of the oath, which maketh the performance either sinful,—as the delivering of the sword into the owner's hand when turned mad,—or importing some turpitude, or something against moral honesty, as marrying of a woman after oath discovered to be with child to my brother, or any other man, then the obligation of the oath ceaseth; and so is the case here (saith he), something occurreth now which maketh that, without sin, we cannot perform that oath, for (supposing the indifferency of Prelacy) we cannot perform that oath without disobedience to the magistrate, in a matter wherein he hath power to command: no oath can bind, saith Perkins, against the wholesome laws of the commonwealth, neither is it material whether the laws be made before or after the oath,—both ways the matter of the oath becometh impossible *de jure*,—and though, in indifferent things of private concernment, an oath may take away liberty, yet a subject's oath cannot take away the power of the magistrate in things not unlawful, nor hinder subjects from obe-

dience; otherwise subjects might find a way to plead themselves free from obedience in all things indifferent." This is the sum of his discourse, unto which it is answered, 1. The ground of this is yet questioned; for it is shown that, as to the second article, about which most of the contest is, the covenant is not about things indifferent, but things morally evil, as is uncontroverted in all points save that of Prelacy; and, to take it for granted that Prelacy, as there abjured, is a thing indifferent, is more than any adversary will yield to him. 2. Be it granted that such a government as is there abjured is not expressly against the word of God, yet a thing indifferent may become inconvenient and inexpedient, and an oath made concerning those things may be undoubtedly good and lawful. 3. If this doctrine of his hold good, it shall be hard to know what matter it should be about which an oath should be taken, for he said before that an oath hath no force in matters morally good, and it is granted by all that an oath hath no force in matters sinful, for it cannot be *vinculum iniquitatis*; and here he saith a man may not swear in things indifferent, if they be such as come under the compass of legislators, and thus he doth much to banish all religious oaths out of the world. 4. Will no oath bind which is against the laws of the land? Then, what if a man, in strait for money shall borrow, and promise, with an oath, to give more annual rent therefor than the law of the land will allow, will not his oath bind him? What if the law of the land be against the giving of any money unto robbers, shall not a man who is taken with robbers, and who, to save his life, promiseth with an oath to give them such a sum of money, perform his oath, merely because it is against the law of the land? But, as to this controversy, let the reader consult such Casuists as have spoken of it, whose names are set down by Timoreus in his *Covenanter's Plea*, cap. 6; or, if he please, let him consult Dr Sanderson, who, *de Jur. Pro. Oblig.*, præl. 4, sect. 17, proveth it lawful enough, and, whatever be said of this, that which Dr Sanderson saith, *ubi supra*, præl. 3, sect. 9, may be noticed: "It may be (saith he) that some cases may be given, in which an oath which seemeth contrary to some law of a community or calling, though it ought not to have been taken, yet, being taken, may oblige, as, for example, in a law whereunto a penalty is annexed

disjunctively;" and, in this case, he thinketh the oath should be kept and the law should not be obeyed, but the penalty should be paid, and this is enough for those who stand for the covenant. 5. If oaths made against the wholesome laws of the commonwealth bind not, oaths made against the unwholesome laws of the commonwealth will bind, and, in that case, without all doubt, people are bound to stand to their oath, and resolve upon suffering before they yield obedience. And whether any law made about Prelacy be wholesome or unwholesome is sufficiently determined in the premises, and by the grounds upon which the legislators did go, when they rescinded all acts made in favour of prelates and their power. 6. This oath (even as to the second article, which is most controverted) was not against, but conform unto, the wholesome laws of the land; for before that the league and covenant was sworn there were standing laws against Prelacy, and acts ratified and approved with all formalities, and published with all usual solemnities, according to the king's own command and warrant; and therefore this case doth not come home to the case in hand. But he saith, "It is not material whether the laws be made before or after the oath." And that is a very strange thing; for a law not yet made is no law, and an oath taken in a particular about which there is no law yet made cannot be an oath against a wholesome law of the land. And to say that a law made afterward may loose the obligation of an oath is a very ready way for opening the door to all perjury, and to cast all oaths loose; for when once a man hath sworn to his own hurt, and would gladly be rid of his oath, he hath no more to do but acquaint his superior, and he will make a law for the contrary, and so he is at liberty. But will such fig-leaves cover the nakedness of perjury? Or will such shifts satisfy in the day of reckoning? Dream of those things who will, God will not be mocked. Dr Sanderson, a better Casuist than he, *ubi supra*, præl. 3, sect. 18, giveth a better resolution, saying, "If, after the oath, the statute should be abrogated or antiquated, the oath, as to that statute, ceaseth, so that he is not bound by the oath to observe that law any more, unless (N.B.) the very thing contained in the oath be sworn to expressly: in that case, though the statute be removed, the obligation of the oath standeth fast." And that

is enough for the covenanters. 7. Though it were granted (which will not be) that inferiors could not take an oath in those matters that fall under the power of legislators to enact laws about, or, if they did swear, were not obliged to perform what they swore; yet, if legislators themselves swear that such a thing (suppose it be but indifferent) shall never be enacted in a law, will not this oath bind those legislators? What will this advocate invent in this case, as an open door at which both king and parliament may escape; for both king and parliament, in their kingly and parliamentary capacity, have abjured Prelacy? 8. Why may not inferiors swear, when they find any law grievous and burdensome, to endeavour, according to their place and power, to have such a law or act altered? And why may not such an oath oblige? This is not an oath properly against a law; and because here the dominion of superiors over inferiors is sufficiently reserved, this cannot be condemned. 9. He mistaketh that case of Casuists, *quando res non permanet in eodem statu*, when he applieth it to the purpose in hand; for Prelacy is the same now which it was when first abjured,—there is no convenience or lawfulness seen in it now which was not seen before, yea, on the contrary, it appeareth worse than ever: so that, if he would stand to that rule, *quando res non permanet in eodem statu*,—"when the state of the matter is changed," though they had sworn to maintain Prelacy (as now they have abjured it), their oath could not bind them now to own it; because it appeareth now so deformed and abominable a monster and cockatrice, seeking the ruin and destruction of all which cometh within its reach. 10. What doth this author think of the oath made to the Gibeonites? Was there not a change of the estate of affairs there, when, within three days, they were discovered to be liars, and that they were not a people that dwelt afar off, but such as did dwell among them, and yet the oath must stand valid and firm; yea, was there not an express prohibition to make any league with these Canaanites? Exod. xxiii. 32, 33; xxxiv. 10; Deut. vii. 2; xx. 16; and was not this a wholesome law? And yet the oath must be kept, this law being a particular command, and so far only to bind the conscience as it might be obeyed without any breach of the moral law: as in Rachab's

case it is evident (as saith Mr Jackson in his *Annotations on Josh. ix. 18*). How will this advocate reply to these things? If he stand to his principles he must condemn Joshua for keeping that oath. Moreover, was not the oath of Zedekiah against the fundamental laws of the land, seeing it was tendered to him, "that the kingdom might be base," Ezek. xvii. 14, and yet, being taken, it must be kept. So, then, his second case will not make much for him.

The third is, in short, this: "When it hindereth a greater good: if the standing to it be found impeditive of a greater good, to which we are bound by a prior obligation, then the oath ceaseth to bind. And so it is here; for supposing the indifferency of Episcopacy, by adhering to the oath we hinder our own obedience to the magistrate in things not against God's law, unto which we are pre-obliged; as also it hindereth the great duty of preaching the gospel, unto which ministers were bound before the taking of the covenant." *Ans.* 1. This man would dispute strongly if he had his will, and if men would yield him all which he demandeth, he would fight wonderfully. Grant him once that Episcopacy is a thing indifferent, and you see how he will dispute to admiration for the loosing of all covenants; but if that be not yielded, what will he do then? He hath no more to say, for all his arguments run on this supposition, and when this ground faileth all is wrong with him. But to discover his weakness yet more, let this once again be granted, and let it be supposed that Episcopacy is not against God's law; yet it is. 2. If his ground hold good, men shall have a door opened for loosing of themselves from all their oaths and vows. Himself confesseth that "by this means a wid gap may be opened to all perjury." And what course taketh he to prevent this? Doth he limit or restrict this position in anything? No, not at all, for all this hazard, which be cannot but see. May not any at their pleasure loose themselves from the oath of allegiance, by alleging that the keeping thereof doth hinder a greater good, to which they are bound by a prior obligation, namely, the liberating and freeing of the country from oppression and tyranny? 3. Had not Joshua more to say for loosing of his oath, seeing the keeping of the oath made to the Gibeonites did hinder obedience unto a particular command which God had given unto his

people, and yet God would dispense with that particular command in this case, when it could not be obeyed without perjury, which is directly against the law and light of nature, and when the obeying thereof would have given the heathens great occasion of blaspheming the name of the Lord, though he will not dispense with the breach of any moral law upon that account. 4. Had not Zedekiah as much to say for the loosing of himself from his oath? namely, that the keeping of the oath did hinder him from performing that duty to his kingdom and country unto which he was pre-obliged? But this new-coined divinity was not of force in those days, and his bare word will not make it pass now with tender consciences. 5. What is the greater good which it will hinder? "It will hinder (as he thinketh) their obedience to the civil magistrate." But are all bound to obey the magistrate in all things that are indifferent? Doth every law of the magistrate bind the conscience? Subjection, it is true, is necessary, but not obedience active, and subjection may consist with obedience passive, that is, in suffering the penalty when active obedience cannot be given to the command: passive obedience is consistent with the public peace, and doth nowise hurt the majesty, honour or credit of the ruler. So that, though standing to this oath may now hinder active obedience unto that command of the magistrate, enjoining a countenancing of, and a concurring with, the abjured Prelacy, yet it will not hinder subjection or passive obedience; and this is all which, in those positive indifferent things, they can be said to be obliged unto, unless he would say (which yet he dare not) that the Prelacy which was abjured is a government commanded of God to be perpetually practised in the church. 6. It would be considered also, that their standing to this oath doth nowise hinder their obedience to the magistrate in anything commanded of God, or in any indifferent positive thing, save in this one particular (if so be this must go under that name of indifferent things), and then the true question is not, whether is it a greater good to disobey magistrates than to keep an oath, but whether is it a greater good to obey the magistrate in this one particular, of embracing that Prelacy which was abjured, or to stand to the oath? And that will come to this, whether is it a greater good for church or common-

wealth to have prelates than to want them? And if this advocate will make this the question, there will be some found who shall willingly undertake the dispute. But if what is past and what is present be called in to give judgment in this matter, the question will quickly be decided, yea, and appear to indifferent beholders to be already determined: if the persecution of godly faithful ministers of the gospel, if the laying of country-sides waste and desolate, if the feeding of people with wind and lies, if the great increase of Atheism, Arminianism, Popery, ignorance and profanity of all sorts, if the persecuting of the godly and of godliness, if the hindering of the exercise of religion and Christian duties, and the like, may have any weight in casting the scale. 7. As for the preaching of the gospel, it is true it is the duty of ministers to be minding that; but God hath need of no man's sin to work his work, he calleth no man to preach the gospel by the way of perjury; yea, their suffering now for truth tendeth to the furtherance of the gospel, as Phil. i. 12, and is much more edifying than all their preaching could be, after they had proclaimed their perjury unto the world. 8. Whose fault is it that ministers cannot have liberty to preach the gospel? Is their keeping of the oath the thing which standeth in the way? Is there no other way for one to have liberty to preach the gospel but by breaking his oath? What influence hath the conscientious observing of the oath upon non-preaching? What if that iniquity which is established for a law were taken out of the way, would there not be preaching of the gospel notwithstanding of a conscientious observation of the oath? There is no doubt of this. So that it is not the observation of the oath which hindereth the preaching of the gospel, — otherwise it would always have done it, and will always do it, which is false, — but some other thing. And now let the blame of not preaching the gospel lie where it should lie, for there it will lie whether he will or not. Yea, the conscientious observation of this oath is so far from lying in the way of preaching the gospel, that, on the contrary, the breach of the oath doth incapacitate a man for preaching of the gospel both before God and men: perjury is no qualification of a minister before the Lord, and who can trust or commit their souls unto a perjured man? How can such an one, who hath once so palpably perjured him-

self, presume ever to set his feet within a pulpit again? And thus it is clear that this case maketh nothing against the covenants, and so the first assault which he hath made upon the covenant is repulsed very easily.

The next ground which he layeth down is this: "That if the covenant be not rigidly interpreted and strained it will not hinder a complying with the present Prelacy," and that upon these two grounds: "1. At the time of the taking of the covenant there was no such church officers in Scotland as are mentioned in the second article, and therefore Scotland did not need to swear to endeavour their extirpation; and, 2. The parliament of England, the giver of this oath, intended nothing less than the extirpation of all kinds of Prelacy and bishops in the church;" and for this he bringeth in the authors of *The Covenanters' Plea*, Mr Baxter, Mr Gataker and Mr Vines, as confirming this notion of his, unto all which a short answer may suffice; for though it might be easily demonstrated that those men mentioned by him do not approve of that species of Episcopacy which is now set up in Scotland, and that they have said nothing which will speak out their judgment of the compliance of the second article of the league and covenant with the Scottish Episcopacy, yet it doth not much concern these in Scotland to search and to try narrowly what is the judgment of any particular divine, how eminent soever, in England, concerning Prelacy, nor what sense or gloss they put upon the covenant, or upon any particular article thereof, though it is very probable that they will not put such a favourable interpretation upon that article as shall make it an interpretation, not *æquitatem temperatam* but *gratiam corruptam*; yea, nor is it of much concernment to those of Scotland to search after the sense or gloss which the parliament of England did put upon it (though no difference can be apprehended betwixt their sense and the sense of the kingdom of Scotland), seeing they did not tender that oath unto Scotland; but they are to look rather unto the sense and gloss which the church and state of Scotland, in their public meetings, did put upon it; and it is clear that they intended no compliance betwixt the covenant and this Prelacy. Though it is true, at the taking of the covenant, there was no such officers as are there named in Scotland (which is all the weak ground he goeth upon



as to this particular), yet, albeit Scotland had got those unhallowed plants plucked up and cast out, they were not out of all fear of them. The dangerous estate of the church and kingdom of Scotland at that time said they were not without fears that these plants might again take root, if the popish, prelatical and malignant faction had prevailed in the kingdoms; and therefore they were called to fortify themselves against those plagues and evils by a solemn league and covenant. But, moreover, doth not the very words of the second article expressly exclude the Prelacy which is now in Scotland? Is not the church of Scotland at present governed by two archbishops and by twelve other bishops? Have not those bishops their deans, their archdeacons, &c.? And is not the second article expressly against such a government by such officers? Who that hath eyes in their heads can doubt of these things? Moreover, will he suppose that the church and state of the kingdom of Scotland were such ignoramuses as to set down contradictions in the covenant, and that, when they had sworn to maintain the discipline and government of the church of Scotland (which himself will confess was presbyterian) in the first article, and, in the second article, had abjured a government in the church inconsistent with presbyterian government, should be thought withal to consent and yield unto such an Episcopacy as should be inconsistent with presbyterian government? which were in effect to say, They swore to maintain presbyterian government, and yet might receive another government distinct from, and inconsistent with, presbyterian government; and, though they abjured Prelacy, yet not every Prelacy, for they might, for all that, accept of one sort of Prelacy which yet should be inconsistent with presbyterian government. But possibly this advocate saw he would be ashamed of such things, and therefore went to England to seek such help as he could find; but all the help he hath got there hath made little to his purpose. Finally, This author would do well to follow Dr Sanderson's advice, *ubi supra*, præl. 2, sect. 9, where he discourseth thus, "When I say an oath is *stricti juris*, that is to be understood thus, that the meaning of the oath is to be kept when the same is clear from the words." And is not the sense of the second article of the covenant as clear as can be? But put the case if it be dubious, hear what he saith further, "But when the

meaning is doubtful, every one is care'ully to take heed that they indulge not their own affections and inclinations, or give way unto too lax and large a license of glossing, to the end they may with more ease loose themselves from the obligation of the oaths with which they are bound, or give such a sense unto the oath, or to any part thereof, for their own profit and advantage, as no wise and prudent man, who is not concerned in the matter (and so having no interest, is at greater freedom to determine) can be able to gather from the words themselves; and the reason is twofold,—one in respect of others, and for fear of scandal, lest any other who is weak be moved to think he may lawfully do what he seeth us do, being ignorant of those subtilties with which alone we think to defend ourselves from perjury; the other in respect of ourselves, for fear of perjury, which is a most grievous crime, and which undoubtedly we bring upon ourselves if that more favourable interpretation deceive us. This reason dependeth upon that general and most profitable rule,—“in matters doubtful follow that which is safest.” Thus he, solidly and judiciously.

What he addeth here against the national covenant shall be considered fully in the next section.

When thus he hath spent his masterpieces against this covenant, he cometh, in end, to try what his third and last device will do, and that is, to muster up some straggling faults which he espieth either as to matter or manner, which, though granted to him, would not much advantage his cause, or say much for loosing the obligation of the oath now after it is taken; yet because he vapoureth much in his expressions here, and would gladly deceive the simple who are not well acquainted with the nature of oaths, but are ready to think that the least escape in the manner of entering into an oath is enough to dissolve its obligation after it is taken, not knowing that *quod fieri non debuit factum valet*, nor knowing well how to guard against this deceit, which he hideth with a multitude of words, his challenges must be answered.

All which he saith on this head is something to these three particulars: 1. The want of authority in the imposing; 2. The generality of the terms in which it is conceived; and, 3. Some incongruity in the third article.

The sum of what he saith unto the first

of these is this: "To carry on a public oath without the sovereign power is without any example among Jews or Christians. It is a special royalty of the king to have power of imposing an oath on all his subjects, especially where the oath hath a direct aim for raising armies. Such leagues are inhibited by the laws of the land, James VI., parl. 10, act 12; Mary, parl. 9, act 75. Now this covenant was carried on in England by a meeting of parliament, excluding one of the estates, and in Scotland by a committee of estates." *Ans.* What if all this be granted? Will it therefore follow that the obligation of the covenant is loosed? Nay himself dare not say so, for he addeth, "Now, although this could not nullify the obligation of the covenant, were the matter of it undoubtedly lawful, and otherwise still obliging, yet it were well if unlawfulness in regard of this defect were acknowledged." So that all which he would have of the covenanters now for "proof of their sincerity" is, that "they would give as public a testimony against the sinful way of entering into that bond as against that sin (as they suppose) of breaking it." But what would this advantage his cause? And, seeing he saw that it would not advantage his cause, why did he spend time and pains in vain? He is at a weak pass now when he can bring no arguments but such as himself must needs answer, and discover the weakness of. But it is like out of a desire to have it going well with the covenanters he would have them repenting of the miss which was made. But, by his favour, they must first be convinced of the error ere they can say that they have erred; and, ere they be convinced of an error in that particular, they must see more cogent arguments than any which he hath yet brought; for, as for that committee of estates which he saith did carry on that covenant in Scotland, it had power for that effect from the convention of estates, and their deed was approved in all points by the next meeting of parliament, 1644, the lawfulness of which convention and parliament hath been shown above (and as for the parliament of England, Mr Crofton and Timorus have sufficiently spoken to that); and as for Scotland's entering into a league with England without the king's consent, it hath been vindicated before; so hath it been how the parliaments of Scotland do partake of the sovereignty with the king, and have power of war, and so all which he here saith is an-

swered already. Only, because he desireth some examples of the like among Jews or Christians, though there be no great necessity for this business, yet some few instances shall be brought; and first, among the Jews there are two eminent examples; one in the days of Asa, king of Judah, 2 Chron. xv., where many strangers of Ephraim, Manasseh and Simeon, fell to Asa, out of Israel, in abundance, when they saw that the Lord his God was with him; ver. 9, and entered into a covenant to seek the Lord God of their fathers, with great solemnity, ver. 12, 14, and that without the consent of their own king. Another, in the days of Hezekiah, when he came to the throne, which was in the third year of Hoshea, king of Israel, 2 Kings xviii. 1, in the first year of his reign, 2 Chron. xxix. 3, (and this was six years before the kingdom of Israel was wasted and destroyed by Shalmanesser, king of Assyria, 2 Kings xvii. 6), beginneth a work of reformation, and said it was in his heart to make a covenant with the Lord God of Israel, 2 Chron. xxix. 10; and he sent to Israel, writing letters to Ephraim and Manasseh, desiring them to come up to the house of the Lord, and, accordingly, divers of Asher, Manasseh and Zebulun, 2 Chron. xxx. 1, 11, joined with him in that covenanted work of reformation. Here are some of the subjects of Basha and Hoshea, without their consent or approbation, joining in a covenant or bond with another king and kingdom (which would seem more treasonable like than for the subjects of one king to join together in covenant for the good of king and kingdom) to carry on a work of reformation; and, no doubt, this advocate dare not condemn this deed of those subjects of Hoshea or Basha. As for such covenants among Christians, instances in abundance may be given, and some have already been named, as that betwixt the first reformers of Scotland and the queen of England, and those in France, Germany, the Low Countries, Helvetia, Piedmont, &c., and so a few more shall suffice. If he had read the *History of the Reformation of the Church of Scotland*, he had seen there several examples of covenants entered into by Christians without the consent of the supreme magistrate, namely, one, 1557, subscribed by Argyle, Glencairn, Morton, Lorne, and others; another at Perth, 1559, subscribed by Argyle, John Stuart, Glencairn, Boyd, Ochiltree, &c.; a third at

Stirling that same year, subscribed by many; a fourth at Leith, 1560, subscribed by all the nobility, barons, gentlemen, and others professing Christ Jesus in Scotland; and a fifth at Ayr, 1562, subscribed by several noblemen and gentlemen. In Sleidan's *Commentaries*, lib. 7, 1529, there is a covenant betwixt the city of Strasburg (which was under the command and jurisdiction of the emperor), and three of the cities of Helvetia, namely, Tigurum, Berne, and Basil, about assisting and defending one another in the cause of religion; and this was without the consent and approbation of the emperor, as appeareth by the letter written to Strasburg from the diet of the empire. Again, 1530, there was a covenant betwixt the landgrave of Hesse and those three cities, Tigur or Zurich, Basil and Strasburg, anent mutual defence in the cause of religion. That same year the Protestants met at Smalcald and drew up a covenant for mutual defence in religion, and it was subscribed by Albert and Gebert of Mansfeldt, by the cities of Magdeburg and Brenie. Sleiden sheweth also, lib. 19, that in February 1547, the nobles of Bohemia, meeting at Prague, entered into a covenant among themselves for the defence of their liberty, whether Ferdinand would or not.

The second particular is about the generality of the terms wherein the covenant is expressed. The sum of what he saith here is this: "The covenant was purposely framed in general and homonymous terms, that all the sects might lurk under it; and so the sectarian army, when they invaded Scotland, did pretend the covenant; and presbyterian government was no way secured, it not being once named, but wrapped up in general under the reformation in doctrine, worship, discipline and government, unto which Independents and Separatists might assent, purposing to preserve the same against the common enemy. Yea, even such as entered into the covenant could not agree in its sense, as may be seen in the parliament of England's baffling the Scottish commissioners' declaration, anno 1647, and other papers." *Ans.* 1. To say that the covenant was purposely framed in general terms that several parties might be fast united against Prelacy is a base and slanderous imputation, but suiteth him well who pleadeth for such a cause; if the covenant, for the most part, be thus conceived in general and ambiguous terms, how cometh

it to pass that he produceth not instances thereof, no not so much as one? Was it not as clear as the sun shineth at noon-day that the reformed government of the church of Scotland at that time was presbyterial? And did not himself say, a little before, that at that time there was no such officers in the church of Scotland as are mentioned in the second article of the league and covenant? And whereas he saith that several sects did lurk under the lap thereof, doth he think this a cogent argument to prove its ambiguity? What sect is it which doth not plead Scripture? Shall Scripture therefore be accounted ambiguous? No, not at all. Let men of corrupt minds and principles wrest words in the covenant as they please, the covenant, to any who shall read it, is plain and clear enough, and he who will wink may wander at noon-day. Let men imagine and put what glosses they will on Scripture, it is plain, and hath but one sense. But what will all this make to the business? Will the obligation of a covenant in which some men think there lieth some ambiguities, be loosed upon that account? This must be proved ere it be received off his hand as a truth: neither he nor any of his party hath hitherto attempted any such thing. Lastly, is there any ambiguity in the second article? "Yet (saith he), were it not better to lay aside (when now it is disclaimed, by king and parliament, and all persons of trust in the land) a human form, which, in respect of the composure of it, is apt to be, hath been, and is like to be, a seminary of variety of parties, and worse evils than Prelacy is imagined to be?" When he hath made it to appear that this composure is apt, of its own nature, to be such a seminary of worse evils than Prelacy, his advice may be taken into consideration, but till then (which will be *ad calendas gracas*) he must excuse the covenanters; for neither king nor parliament, though they had the Pope with them, can give a dispensation in a matter of an oath; and king and parliament, with all the persons of trust, will have enough to do to hold the broad roll and the curse off themselves, their houses, and their posterity, and to keep themselves out of His hands who will be a swift witness against false swearers, though they undertake not to protect others from the wrath and vengeance of God.

The last particular which he exaggerateth is, the limited or conditional preserva-

tion of the king's Majesty's person and authority, namely, "in the preservation and defence of the true religion," &c. He inquireth whether this was right or not; and if difference in religion loose a people from their duty to the king. To which a short reply will suffice: 1. Though it were granted that there were something wrong here, this will not ground the non-obligation of the covenant in other particulars, and what hath he gained then? 2. Whatever wrong may be in wording this article thus, the blame is not to be laid upon the first authors of this league and covenant, for in the national covenant (which was subscribed at first by King James and his household, 1580, and, in obedience to an act of council, together with an act of the General Assembly, by persons of all ranks, 1581, and again subscribed by all sorts of persons, 1590, 1591,) the covenanters' duty towards the king is so qualified in these words: "We protest and promise with our hearts under the same oath, hand-write and pains, that we shall defend his person and authority, with our gear, bodies and lives, in the defence of Christ's evangel, liberties of our country, ministration of justice and punishment of iniquity, against all enemies within this realm or without." So that if he annul the league and covenant upon this account, he must much more annul the national covenant, whereof King James was the author; for in that there is more added to the qualification of their duty to the king, namely, his "ministration of justice and punishment of iniquity." So then, this clause in the league being consonant unto that in the national covenant, needeth not to be so much quarrelled at. 3. It is like he is displeased with any such qualification, but his reason is not very forcible, namely, because "it would insinuate that they were no otherwise bound to defend him," for it will only insinuate that the covenanters are to prefer that which is of greater moment unto that which is of lesser concernment, and that they are to prefer the end unto the mean leading to the end; that is, when the king is in direct opposition unto the cause and work of God it becometh them to prefer the interest of Christ before man's, and not to help the mighty against the Lord, but the Lord against the mighty; and when defending, promoting, or any way advancing the authority of the king, shall directly tend to the ruin of the interest of Christ and religion,

no Christian is bound to concur; and this was granted even by the parliament, 1648. So that the question betwixt the parliament and the church at that time was not, whether religion and the interests of Christ should be preferred to the interest of the king or not, but, whether the engagement which was then carried on was not a preferring of man's interests to Christ's; for as to the thesis or major proposition, it was granted by the parliament, namely, that Christ's interest should be sought before man's, and the king's interests only in a subordination to Christ's. Thus they did profess openly their owning of the covenant, and their resolution to prosecute the ends of the covenant, and to seek to secure and establish the king's interests only in subordination to the interests of Christ; for in their letter to the presbyteries (printed in their records), May 11, they show that "They were resolved to proceed for the preservation and defence of religion, before all other worldly interests whatsoever, and to carry on sincerely, really and constantly, the covenant, and all the ends of it." And again, in their answer to the supplications from synods and presbyteries, June 10 (inserted likewise in their printed records), they declare that "In their undertakings they should prefer no earthly consideration to their duties for preserving of religion in Scotland, in doctrine, worship, discipline and government, as it is already established, and to endeavour to settle it in England and Ireland according to the covenant." And also, in their answer to some committees of shires, they declare that "They had nothing before their eyes in that undertaking but the preservation and good of religion, and the endeavouring the settling of it in England and Ireland according to the covenant, in the first place, and before all worldly respects; and his Majesty's rescue from his base imprisonment, his re-establishment upon his throne, in all his just powers, the safety of this kingdom from danger on all hands, and the preservation of the union and brotherly correspondence betwixt the kingdoms under the government of his Majesty and of his royal posterity, according to the covenant." So that the gentlemen, the author of this pamphlet, publisheth his mistakes to the world when he would infer thus: "Was this right that (where our allegiance binds us to duty in a greater latitude) this should be held out to people as the only standard of

their loyalty and duty to the king? Was it sound doctrine to insinuate (to the sense of intelligent men) that we were not otherwise bound to defend him? Was it well, by such a clause, to give occasion to wicked men to think they were no further obliged to him than he should defend that which they accounted religion." And, that the folly of his consequences may further appear, it would be considered that there is a clear difference betwixt these two,—owning of the king and defending his authority never but when he is actually owning and active for the cause and interest of Christ, and owning of the king and defending his authority always, but when he is in actual opposition and in a stated contradiction to the work and interest of Christ. So is there a difference betwixt those two,—nonconcurrency in defending and promoting of the king's authority when he is opposing the work of God, and actual annulling, diminishing, or utter overthrowing of his power and authority when he is so stated; and so, when the covenanters say that they are not bound to contribute their power, in their places and capacities, to promote or defend his Majesty's power and authority, when he is in a stated opposition to the work of God, and when the advancing of him to his full power and authority would certainly tend to the ruin and destruction of the cause and people of God, yet they do not say that they are never bound to defend him but when he is actually promoting and advancing the work of God, according to his full power and place,—nor do they say that when he opposeth the work of God they are at liberty to destroy his person, or to spoil and rob him of all his just power and authority; and, therefore, both that clause in the covenant and their proceedings may be abundantly justified without laying down any ground for the taking away of the late king's life, and without clashing with, or contradicting the confessions of protestant churches, or of their own; for still they acknowledge that difference in religion doth not make void the magistrate's just and legal authority, nor free the people from subjection. But that this may be a little more clear let this example be considered: A father turneth frantic and mad, and seeketh to destroy the whole family, calling for a sword, and liberty to execute his cruelty; his sons rise up and bind his hands, and withhold the sword from him, and, withal,

swear to stand together in their own defence, and to defend their father's just right and power in the defence of the family. Now, in this case, can any say that they were undutiful children; or that their covenanting so, and adding that clause in the covenant, saith that they were free to cast off the relation that is betwixt him and them, except he guide the family in all points as they would have him doing? No, in nowise. Here, then, it is clear that their refusing to put the sword in their father's hand, while under this distemper, is no act of undutifulness, it is no lessening of the father's just power over the family, nor doth it say that they think themselves not bound to own him as a father except when he is actively promoting the good of the family, and far less doth it say that they think, because of this distemper, they may destroy him, or that the relation betwixt them and him is broken up forever. So then, though this advocate thought he had a fair field to walk upon, and a fair occasion to vent his anger against that church, and to make her odious to all churches about, yet wise men, who easily see that there is no such strong relation betwixt king and subjects as betwixt parents and children, will acknowledge that his ranting is without real ground; and that Scotland, in their treaties with the king at the Hague and at Breda, and in their actions at home, did nothing but what they may hold up their faces for, both before God and man, doing nothing herein which either contradicteth their own confession of faith, or the confession of faith of other churches: Not their own confession of faith; for if the large confession of faith be viewed (which was approved by the parliament, and inserted in their registers) in that head of the civil magistrate, these words shall be found: "We confess and avow, that such as resist the supreme power, doing that thing which appertaineth to his charge, do resist God's ordinance, and therefore cannot be guiltless; and further, we affirm that whosoever deny unto them their aid, counsel and comfort, whilst the princes and rulers vigilantly travel in execution of their office, that the same men deny their help, support and counsel to God, who, by the presence of his life-tenant, doth crave it of them." So that all the resisting which is there condemned is resisting of him while doing his duty and executing his office, and not while he is seeking to destroy

religion and the interest of Christ.—Nor the confession of other churches; for in the former confession of Helvetia, upon the head of the civil magistrate, they say (as it is in the English edition), “We know that though we be free, we ought wholly, in a true faith, holily to submit ourselves to the magistrate, both with our body, and with all our goods, and endeavour of mind also to perform faithfulness and the oath which we made to him, so far forth (N.B.) as his government is not evidently repugnant to him for whose sake we do reverence the magistrate.” So the French, in their confession, art. 40, say, “We must willingly suffer the yoke of subjection, although the magistrates be infidels, so that (N.B.) the sovereign authority of God do remain whole and entire, and nothing diminished.” And, which is worth the noticing, the practice of Scotland in this is consonant to the profession of the parliament 1648 (which did act most for the king and his interest, preferring it to the interest of Christ), who, in their declaration, April 29, insert in their registers, act 17, say, “That they resolve not to put in his Majesty’s hands, or any others whatsoever, any such power whereby the foresaid ends of the covenant, or any of them, may be obstructed or opposed, religion or presbyterian government endangered; but, on the contrary, before any agreement or condition be made with his Majesty (having found his late concessions and offers concerning religion not satisfactory), that he give assurance by his solemn oath, under his hand and seal, that he shall, for himself and his successors, give his royal assent, and agree to such act or acts of parliament, or bills, as shall be presented to him, by his parliaments of both or either kingdoms *respectively*, for enjoining the league and covenant, and fully establishing presbyterial government, directory of worship, confession of faith, in all his Majesty’s dominions; and that his Majesty shall never make any opposition to any of these, nor endeavour any change thereof.”

What this author saith more, in the three last pages of his pamphlet, is but partly a repetition of what he said before, and so is answered, and partly obviated by the preceding discourse.

### SECTION XXIII.

#### THE NATIONAL COVENANT VINDICATED FROM THE EXCEPTIONS OF THE AUTHOR OF “THE SEASONABLE CASE,” &c.

His plea against the solemn league and covenant being thus examined, in the next place, his exceptions against the national covenant, p. 30, 31, &c., must be considered.

This covenant is not abjured in the declaration simply and in itself, but as it was sworn and explained in the year 1638, and thereafter; and so the main ground whereupon this covenant is cast off is, because of that explication which was then added, in which there was mention made of some things which were referred unto the General Assembly, in these words: “Forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the kirk, or civil places or power of kirkmen, till they be tried and allowed in free General Assemblies and in parliaments.” And then, after the General Assembly had examined these particulars, and explained the true sense and meaning of the covenant, this conclusion was added: “The article of this covenant, which was, at the first subscription, referred to the determination of the General Assembly, being determined, and thereby the five articles of Perth, the government of the kirk by bishops, the civil place and power of kirkmen, upon the reasons and grounds contained in the acts of the General Assembly, declared to be unlawful within this kirk, we subscribe according to the determination foresaid.” The foresaid pleader for Baal, when he is producing his grounds against the validity of this oath, pitcheth only upon one of these three particulars mentioned, namely, the government of the church by bishops; and, in reference to this, he attempteth two things in his confused discourse: 1. He would (if he could) prove that, by this oath, as it was first conceived, 1580, 1581, and renewed 1590, the government of the church by bishops was not abjured; and, 2. That the Assembly, 1638, did wrong in giving such a gloss and sense as they did.

But he must be followed *κατὰ πρόδας*, lest any thing should escape; and, first, what

he bringeth to prove that Prelacy was not abjured by this covenant must be examined.

He saith, "That if the ministers who reasoned with the doctors of Aberdeen be to be believed (and they were the prime promoters of the covenant, and carried with them the sense of the body of the covenanters), they who subscribed that covenant might, with great liberty, voice in an assembly concerning Episcopacy, without prejudice, notwithstanding their oath; and upon this ground would persuade the doctors to subscribe the covenant, because, in so doing, they should not be taken as abjuring Episcopacy, as the doctors thought;" and he referreth his reader unto their answer unto the fourth and tenth demands.

Unto which it is answered, 1. That this is but the old answer brought on the field again; for it was alleged by the prelates, in a pamphlet, 1638, emitted under the name of his Majesty's commissioner (as most, if not all, which he here allegeth is borrowed out of that pamphlet), and what answers were then given may now suffice, namely, that these ministers who reasoned with the doctors of Aberdeen denied indeed that Episcopacy was expressly and specifically abjured in the latter part of the covenant, which was the addition containing the application unto the present times, but did never say that it was not abjured in the negative confession or national covenant. Now it was about that application and addition that the debate arose betwixt these ministers and the doctors; the doctors never refused to subscribe the negative confession, as it was called, or the covenant drawn up, 1580, 1581; for, when the privy council did emit a declaration, enjoining all to take the covenant, as it was taken 1580, 1581, 1590, and 1591, as others did not so, neither would they have scrupled at the same; but they always refused to subscribe to that part which was added, and one of the grounds why they did scruple at the subscribing of that was this, They thought that by that addition they should be bound expressly, directly, and specifically to abjure Episcopacy and the ceremonies of Perth, which (as they said) they could not in conscience do, because then they should not have liberty to vote freely, according to their judgments, concerning those things in the General Assembly. And unto this the ministers answered, that the words of that addition were purposely so contrived as

none might scruple upon that account. And, indeed, as to Prelacy, the words ran thus: "That they should forbear the approbation of the corruptions of the public government of the kirk;" and the reason was, because there were several honest and well-minded people in the land, who could not distinctly and clearly see that the ceremonies and the government of the church by prelates were directly contrary to the confession of faith, and abjured therein, but were waiting for light in those matters from the ensuing General Assembly, who, they knew, could give most clearness in the matter of fact, and could best show what was the government of the church at that time when the national covenant was first subscribed, and also what was the meaning of the reformers as to several particulars in that covenant. So then, though it be true that by taking of the oath, or swearing that additional explication, 1638, no man was bound up from reasoning and debating, nor from free voting in the matter of Prelacy in the national assembly, yet it will not follow that Prelacy was not abjured by the negative confession or national covenant; for though the sense and meaning of the oath, 1581, was not alike clear unto all, 1638, either as concerning Prelacy or ceremonies, yet the covenant did strike against those, as was afterward cleared. The covenant hath still one sense and meaning, though such as did live fifty-eight years after it was first drawn up could not alike see it and discern it. It was but little wonder that at such a distance of time, after so many revolutions, the true sense and meaning thereof could not be so obvious unto all as to overcome all doubts and scruples; and therefore it was prudently resolved to suspend their approbation of those particulars till they were tried in free assemblies. And, indeed, so soon as the Assembly, 1638, did search into the business and clear the true meaning of the covenant, according to the sense of the reformers, all scruples were loosed, and the people did cheerfully assent unto the Assembly's determination; for then they saw that, by that covenant, the ceremonies of Perth Assembly, and the government of the church by prelates, were abjured. And it may be supposed that this author will not be so bold as to say, that ever after that Assembly wherein that business was cleared, any said that such as took that covenant were left at liberty to vote for Prelacy or for the

ceremonies. So then, this author betrayeth much ignorance or maliciousness, or both, when he thus argueth as he doth. Let him read the answers of those ministers in those places cited by himself, and he shall be able, if he will, to see his mistakes.

One of the grounds whereupon the Assembly, 1638, did determine that Episcopacy was abjured by the covenant which was sworn, 1580, &c., was taken from these words in the covenant, "his wicked hierarchy," as may be seen at the end of their act, sess. 16. And to this he answereth thus: "This imports not the abjuration of the office of a bishop more than the office of a presbyter or deacon, which are parts of the hierarchy as well as bishops, but only the abjuration of the hierarchy so far as it was the Pope's,—as it abjureth the five bastard sacraments, so far as he maketh them sacraments: so then, the dependence of these offices on him, as the head of the church under Christ, is abjured, and also the corruption adhering to these offices, and as they flow from him and are his, as is his blasphemous priesthood, and not the offices themselves; and therefore the office of a bishop among Protestants (bishops being now loosed from that dependence upon the see of Rome) is no part of the Pope's hierarchy." This is the sum of his long discourse, and it may be shortly answered thus: That if the abjuring the hierarchy import the abjuring of the offices which are parts of the hierarchy, in so far as they depend on him and are corrupted by him, then it will fully import the abjuring of prelates; because prelates depend on him as well *in esse* as *in operari*, and therefore they must be abjured with this wicked hierarchy. It is well known that, at the council of Trent, the Pope would not suffer it to be debated, whether bishops were *juris divini* or not; and the historian, Peter Suave, addeth the reason, namely, lest if it should be determined that they were *juris divini*, they should not so depend upon him as they did, and he would have them continuing to do. So that hence it is clear that the Pope acknowledgeth that they depend upon himself alone, even in their being, and have no other ground to stand upon, and, therefore, when his hierarchy is abjured, they, in their essence and being, are abjured. It is true if he, or any of his fraternity, had ever demonstrated, out of the word of God, that Christ or his apostles did ever institute such an officer, dis-

tinct from a preaching presbyter, as is the prelate, as may be done concerning the presbyter and the deacon, and as himself will readily grant, then, indeed, it would follow, that the abjuring of the Pope's hierarchy would import no more than the abjuring of those corruptions which attend those officers, as those which attend presbyters and deacons, as they depend on him, as the abjuring of his five bastard sacraments importeth not the abjuring of marriage in itself, being an ordinance of God, but only as it was abused by him to be a sacrament. But seeing it is not yet proved, nor undertaken by this author to be proved, nor was ever asserted by the reformers of that church, no, not by Mr Craig, the penner of the covenant, that prelates, as superior unto, and distinct from preaching presbyters, are officers of God's appointment; certainly when they are abjured, they are simply abjured. So that, till he demonstratively clear that Christ or his apostles did institute bishops distinct from preaching presbyters, he must acknowledge a difference betwixt them and presbyters, and deacons as to the matter of abjuring them; and so, when all those three are abjured, they cannot be abjured after one and the same manner. But the office of presbyters and deacons are abjured in respect of their abuse, that is, the abuse and corruption which adhereth to these officers, as they are made parts of the hierarchy, is abjured; but when prelates are abjured, not only is their abuse, or the corruption adhering to them, abjured, but the very use is abjured; for the use of an officer not appointed of Christ is an abuse, and prelates, as to their being, depend only on the Pope.

But (says he) "bishops now being loosed from that dependence from the see of Rome, and the Pope, who, as head of the church, claimed a plenitude of power over the whole church, and made all Christian bishops and ministers but as his slaves and vassals, portioning out to them such measure of jurisdiction as he thought fit,—as their styles in this country imported of old: *Ego N. Dei, apostolicæ sedis gratia episcopus*,—the office of a bishop is no part of the wicked hierarchy." *Ans.* This was sufficiently answered by the national assembly, 1638, in the forecited act, where they said, "And howbeit this hierarchy be called the antichrist's hierarchy, yet it is not to distinguish betwixt the hierarchy in the popish kirk



and any other as lawful, but the hierarchy, wherever it is, is called his, as the rest of the popish corruptions are called his, namely, invocation of saints, canonisation of saints, dedication of altars, &c., are called his, not that there is another lawful invocation and canonisation of saints, or dedication of altars." So that the bishop's casting off the Pope as the head of the church will not bring them out from among the officers and parts of that wicked hierarchy. In so far as protestant churches admit of prelates, in so far they are unreformed from Popery, this being one debate betwixt Papists and Protestants. It was the prelates' depending on the Pope that made the Scottish reformers condemn them as his hierarchy, otherwise they should have condemned all the other articles of Popery only in so far as they did depend on him, and no otherwise; and so should have yielded, that if the king, by virtue of his headship over the church, should command and enjoin the practice of any of those articles condemned in the covenant, they might be done in obedience unto him, if they were abjured, only as they had dependence on the Pope, and came from him; but this is false, for they are condemned as being a part of a "contrary religion and doctrine, damned and confuted by the word of God and kirk of Scotland;" and so, upon the same account, are the prelates abjured, whether they depend upon an ecclesiastic pope or upon a civil pope, whether they be *apostolicæ sedis gratia episcopi*, or *Jacobi*, or *Caroli gratia episcopi*, they are damned and confuted by the word of God, and are not *Christi gratia episcopi*; and so are abjured as unwarranted officers in the house of God, even as ordination and marriage are degraded from being sacraments, so are they from being church officers.

But, to put a close to this second particular, it would be considered that, in the covenant, the office of prelates is abjured when the hierarchy is abjured, the same way that confirmation and extreme unction are abjured when the five bastard sacraments are abjured; that is to say, both the use and the abuse is abjured, for they both want warrant in the word, and therefore ought not to be; and to maintain either is to maintain false doctrine and points of Popery condemned in the word. Might not a Papist, pleading for extreme unction and for orders (including their *septem sacramentula*, or

inferior orders, as their *ostiarii*, *lectores*, *exercistæ*, *accluthi subdiaconi*, *diaconi*, *sacerdotes*—which they mean by their sacrament of order, and not mere ordination, as this author seemeth to take for their meaning, if judicious Calvin hit right in his *Institutes*), say, that when the Pope's five bastard sacraments were abjured, the use and being of all these officers (there is no dispute about two of them upon the matter) was not abjured, but only in so far as they were sacraments, and extreme unction only in so far as it was a sacrament. And what this author would reply in this case, for defence of the protestant reformers (and though it may be this author would swallow down all those points of Popery and many more, yet he will not have the boldness to say that such officers, as to their *esse* and being, were not abjured by the reformers), the same may now be answered in the case under consideration.

But he goeth on, p. 32, and would make his reader believe, that King James, the enjoiner of that covenant, did never intend the abjuration of the office of Episcopacy, and that for these reasons: "1. Mr John Craig, who penned the same, did, but nine years before, namely, January 12, 1571, consent, at Leith, that commissioners might be appointed to join with those whom the council should appoint, for settling of the policy of the church, whereof he was one. The resolution of which meeting was, that some of the most eminent ministers should be chosen by the chapters of the cathedral churches, to whom vacant archbishoprics may be disposed, and they to have power of ordination, and to exercise spiritual jurisdiction in their several dioceses; and, at the ordination of ministers, to exact an oath of them for acknowledging his Majesty's authority, and for obedience to their ordinary, in all things lawful, and accordingly it was done. Against which the next Assembly at St Andrews, March 1571, take no exceptions; and, at the next Assembly, 1572, these articles are received with a protestation that it was only for the interim. So then, the learned penner allowed of bishops, a few years before, and we see no evidence of the change of his mind. How could he then mean protestant bishops in that draught?"

*Ans.* These are pretty demonstrations to prove the *veritas* of a thing, to say, first Mr John Craig was for bishops, 1571, therefore

he was for bishops, 1580. As if a man's mind could not change in nine or ten years' time, especially it being a time of reformation, when light was breaking up more clear daily. But next, this is a more pregnant demonstration, to say King James intended no such thing, 1580, because Mr John Craig had no such intention nine years before. Is not this well argued? But, to the matter, it is true there were such things concluded at that meeting, but whether with the unanimous consent of all or not, who can tell? But be it so that this honest man was overruled with the rest, by the violence of the court, and some nobles who designed the Tulchan bishops (as they were called), yet it is very improbable that he did persist in that judgment full nine years thereafter, considering how much all that time the honest ministers were setting themselves to oppose that act; for the Assembly which did meet at St Andrews two months thereafter, took notice of these articles, and did appoint some of their number to examine them, so great was the exception which they took at them. And, 1572, there was a protestation against these innovations; and, 1573, the Assembly determined, that whatever bishops there were they should have no more power than the former superintendents had, and censured some, as the bishops of Dunkeld and Galloway. And to this same purpose were there acts made, 1574; and, 1575, the office both of bishops and of superintendents came to be questioned and debated, and, a little thereafter, they signified to the regent, that they would not agree unto that polity condescended on at Leith; but some of their number were appointed to draw up the second book of discipline, which book, 1577 and 1578, was fully approved. And, having proceeded thus far, they caused several of the bishops subscribe several articles, denuding themselves of their episcopal power. Now when the church is at all this work, shall it be thought that this honest man (even supposing he had been of that judgment, which cannot be proved) was still of a judgment contrary to the judgment of the church; and did not all this time alter his mind, especially seeing the church did look upon him as a faithful friend for presbyterian government, and therefore did appoint him, with other five, to consult with Mr Alexander Hay about the model or plot of presbyteries? But it is not much matter to de-

bate what was the penman's judgment at the time,—the covenant itself, and the words thereof, are to be considered, and the meaning of the land in taking that oath is much to be regarded, and what that was shall be shown by and by.

But, 2. He says, p. 33, as to King James, it could not be his intention to put away bishops, "because at that time, 1580, there was no other government known in the church,—all ordination and jurisdiction being exercised by bishops, or superintendents, or commissioners; and these, though the Assembly quarrelled them, were real bishops. And would the king, by his oath, abjure that church government which was not rejected by the church till July 12, 1580? And in the year 1581, though the king and council had presented the confession to the Assembly to be subscribed by them, and by the people in their parishes, yet that very same year, within six months thereafter, there is an act of council confirming expressly the agreement at Leith 1571; and this act of council the king did openly avow in the business of Montgomery. Now it is not probable that the king and council, if they intended to abjure Episcopacy by the confession, would within six months confirm that agreement at Leith." *Ans.* 1. It hath been shown but just now, that several years before the year 1580 the General Assemblies of that church were declaring themselves against prelates, and their power, and were acting so far as lay in their power (and that was much, considering what opposition they did meet with) for presbyterian government. 2. It is certain that church government by prelates was never approved by any of the General Assemblies in those days. 3. Though before the year 1580, the Assembly did not formally pass an act against Episcopacy, yet was it not equivalent when 1577, and 1578, the second book of discipline, which overturneth the government of the church by bishops, was approved? 4. This same act of the General Assembly at Dundee was before the subscribing of the covenant; for it was in July, and the command for subscribing of the covenant came not forth till the 2d March thereafter, and that 2d of March was said to be 1580, as well as July before, because at that time the denomination of the new year did not begin in Scotland until the 25th of March; and so it is his mistake to think that the covenant was enjoined to be subscribed six months before

the act at Dundee. 5. Whereas he says that, 1580, there was no such thing in Scotland as government by presbyteries, if he mean that that government was not settled through the whole kingdom, he speaks truth, but nothing to the purpose; but if he mean that in no part of the country there was any such government, he is mistaken; for at the Assembly, 1578, there was mention made of presbyteries, for amongst the articles which this Assembly drew up to be subscribed by those prelates whom they had caused cite before them, this was one, namely, the sixth, That they should not "empire over elder-ships, but be subject to them;" and the seventh was, That they "should not usurp the power of presbyteries." So that there were presbyteries in the land at that time. Yea, the narrative of the 131st act, parl. 8, King James VI., 1584, maketh mention of "sundry frames of judgments and jurisdictions, as well in spiritual as temporal causes, entered in practice, and custom, and that during twenty-four years bypast;" and those forms of judgments and jurisdictions in spiritual causes were assemblies synodal, presbyterial and parochial, all which were discharged by that act. And hence it is clear that there were such judicatories in the land before the year 1580. Moreover, at the Assembly, 1579, there was a motion made about a general order to be taken for erecting of presbyteries in places where public exercise was used, until the peltity of the church were established by law; and it was answered, "that the exercise may be judged to be a presbytery." So that the kingdom at that time was not without presbyteries; yea, their frequent national assemblies show that the church was governed presbyterially. 6. This is certain, that there was some government of the church sworn to in that covenant; for there are these words in it, "That we join ourselves to this reformed kirk in doctrine, faith, religion, and discipline, promising, and swearing by the great name of God, that we shall continue in the doctrine and discipline of this kirk, and defend the same according to our vocation and power, all the days of our life." Now, all the difficulty is to know what this government was; and, it is certain, that either it was the government by presbyteries or the government by prelates. It could not be the government by prelates, (1.) Because that was not the government and discipline of the kirk, but the government and discipline

against which the church had been striving with all her might. (2.) It is not imaginable that the ministry of the land would swear to defend the government of the church by prelates all the days of their lives, when they were using all means to have the church free of that yoke. (3.) When the confession of faith was presented unto the General Assembly to be subscribed by them, 1581, would they have assented unto the same, if thereby they had been bound to maintain Prelacy, seeing, at their very last meeting, they had made such an express act against prelates. (4.) When the laird of Caprintoun, his Majesty's commissioner, did present unto the General Assembly the confession of faith, or national covenant, he presented withal from his Majesty a plot of the several presbyteries to be erected in the kingdom, mentioning the presbyterial meeting places, and designing the several parishes which should belong to such and such presbyteries; as also a letter from his Majesty to the noblemen and gentlemen of the country, for the erection of presbyteries, consisting of ministers and elders, and for dissolution of prelacies. May not any hence argue, after the author's manner, and say, Is it any way probable that the king and council, if they intended to establish Prelacy by the confession of faith, would in that self-same day (which is a shorter time than half a year) wherein the confession was presented as subscribed by the king and his household, and to be subscribed by the Assembly, present such a plot for presbyteries through the whole kingdom? &c. Let this advocate answer this if he can. It must then be an undoubted truth that the government sworn to in that national covenant was presbyterian government. 7. And whereas he saith the king, within six months thereafter, did stand to the agreement at Leith, and avowed it in the business concerning Montgomery, it will not say much, if it be considered how at that time Aubigne grew great at court, and (as was shown above, sect. 1) obtained the superiority of Glasgow, and made a paction with Montgomery. And, when the church judicatures were examining the carriage of this Montgomery first and last, he stirred up the king against them. And what will all this say, but that kings had need of faithful and constant counsellors about them, lest they be made to undo their own works in a short time. There was many a change at

court, and, as contrary parties got up, so was the king swayed.

He addeth, "That neither did the Assembly, nor any minister speak of that deed of the king and council as contrary to the covenant (albeit in these days they had a way of using liberty enough, and more than was fitting.) *Ans.* It would become this gentleman to speak sparingly of these zealous and steadfast worthies who lived in those days, and whose name, for their piety, constancy and zeal, shall smell most fragrantly, when his may be rotting above the ground. It is like he would suffer sin to be upon king and court, and sell his soul and conscience, by sinful silence in a day of defection, and thus declare himself a priest of Baal, and none of the messengers of the Lord of hosts, who should set the trumpet unto their mouth. But, to the purpose, whether the Assemblies and ministers did, at that time, speak of the deed of the king and of the council as contrary to the covenant or not, who can tell? This is known, that both Assemblies and ministers understood that king and court, and all the land, were bound to own presbyterian government, by virtue of that covenant, several times thereafter. There is a letter which Mr Andrew Melville (who no doubt knew the mind of the Assemblies) wrote unto divines abroad, 1584, in which, speaking of the discipline of the church, he saith (as reverend Mr Petrie citeth in his history, p. 448), "And three years since was approved, sealed and confirmed, with profession of faith, subscription of hand, and religion of oath, by the king and every subject of every state particularly." Mr Petrie also saith, p. 570, that, 1604, when Mr John Spotswood and Mr James Law were accused by the synod of Lothian for overturning the discipline of the church, and had denied the same, the synod did present the confession of faith to be subscribed by them, and so, in the judgment of the synod, this confession did contain an abjuration of Prelacy, and a promise of maintaining of presbyterian government. And again, when the ministers were impanelled at Linlithgow for treason and sedition, for meeting at Aberdeen, 1605, Mr Forbes (who was one of them) had a discourse to the gentlemen who were on the assize, and showed that they were bound, by the national covenant, to maintain the discipline of the church, and, having read the same unto them, he in-

ferred that they should be guilty of perjury if, for fear or pleasure, they should decern that to be treason which themselves had sworn and subscribed; and he desired the earl of Dunbar to report unto the king, in their names, what punishment followed upon the breach of the oath made unto the Gibeonites, and how it was feared that the like should follow upon his Majesty and his posterity. Yea, this author himself saith, p. 13, "That ministers then accounted themselves as really bound against the allowance of episcopal government, both by the covenant and by the word of God, as any do judge themselves engaged against it by late bonds: whether they did mistake in this or not, we say nothing; but that they did so judge is out of all question." But, 2. This author cannot with any good ground say that Assemblies and ministers did not then speak of that which king and council did as contrary to the covenant; for a negative testimony from human history is the weakest of all arguments. Moreover, this is certain, that the courts of Christ, both national, provincial, and classical, were at this time going on faithfully in their work, keeping their meetings, and censuring that perverse man Mr Montgomery, who, Proteus-like, changed often, and licked up his own vomit, notwithstanding of all the prohibitions or inhibitions they got from his Majesty. They openly protested before the king and his council for the liberties of the church, and supplicated and exhorted his Majesty that, as a chief member of the church, he would have a chief care thereof; and they complained that he was playing the pope, usurping both swords; all which will speak something equivalent unto that which this author allegeth they did not speak.

But, in the next place, as touching the Assembly's declaration, 1638, of the sense of the covenant, he hath somewhat to say, as, 1. "That it seemeth strange that any Assembly should take upon them to declare what was the sense of the church in taking a covenant, when few or none of the men were living who took that covenant, or if living, few or none of them were members of that Assembly, 1638, as *juramentum est vinculum personale*; so no man, or company of men, can take upon them to define what was the sense of dead men, in taking an oath, unless they can produce some authentic express evidence that such was their meaning in taking the oath."

*Ans.* 1. By this arguing, the sense and meaning of a covenant perisheth with the covenanters. 2. It is true *juramentum* or *fœdus personale est vinculum personale*; but there is another covenant that is called *fœdus reale* (of which kind this national covenant was) and the *vinculum* of this is more than *personale*, it obligeth more than such as did personally take it. 3. Therefore this covenant, being a national, real covenant, obliging the land in all time coming, posterity is called to search and to see very exactly and narrowly into the sense and meaning of the covenant,—they are obliged to know the nature of that covenant by which themselves stand bound before God. 4. Who is more fit to give the sense of the church in taking a covenant than a General Assembly of the church? 5. It was shown before what was the constant judgment of the honest ministers concerning the sense of this covenant, even in the time when prelates were highly advanced, out of this same author; and so the true sense of the national covenant hath come down from father to son amongst the honest party, even in the most corrupt times; and then the Assembly at Glasgow was so much the more *in tuto*. 6. The Assembly at Glasgow did produce authentic express evidences that such was the meaning and sense of those who first entered into covenant.

To this he is pleased to say: "That all that which they produced amounts to nothing more than this, That before July 1580, the church had been labouring against bishops, who, notwithstanding, continued till thereafter; but all their citations prove not that Episcopacy was abjured by the covenant, or any words in it." *Ans.* 1. This is certain, that in that covenant some government or discipline was sworn to be continued in and defended, as the express words before cited do show. 2. It is certain that this discipline or government of the church was either Prelacy or presbyterian government (there not being a third competitor); and if it was Prelacy, presbyterian government was abjured, and if it was presbyterian government, then Prelacy was abjured. 3. It is certain that if it were once cleared what that government was which the church of Scotland, in and about that time, did own as the only government of the church, it would soon be cleared what that government was, which, by this covenant, they were bound to own and to con-

tinue in; and, consequently, what government was abjured thereby. Therefore all the difficulty is to know what that government was which the church did own; and yet there is no difficulty here, for it is as clear as the sun at noonday that it was church government by presbyteries, synods and assemblies, which they, both before, at, and after that time, did own and defend, till it was violently taken away. And if the citations of the Assembly, 1638, will amount to this, they will sufficiently declare that Episcopacy was abjured at that time. And whether their citations shall do so or not, the indifferent reader may judge, when he hath considered and laid together these twenty-two particulars into which the citations shall be branched forth: 1. When the church had been wrestling, and could not prevail against bishops, from the year 1571 unto the year 1575, and, being continually wearied with complaints given in against them, they entered at last into a search of the office itself, and did agree in this, that the name *bishop* was common to every one who had a particular flock to which he preached and administered the sacraments, and so it could not design a distinct officer. 2. The Assembly, 1576, did censure such prelates as had not betaken themselves to some particular flocks. 3. In the Assembly, 1578, the second book of discipline was unanimously agreed upon. 4. At another Assembly, that same year, the moderator told Montrose, chancellor Seaton and Lindsay, "That they had drawn up, out of the pure fountain of God's word, such a discipline as was meet to remain in this kirk." 5. At that same Assembly it was ordained that such as were called bishops should be content to be pastors of one flock, should usurp not criminal jurisdiction, should not vote in parliament without a commission from the kirk, should not empire over their particular elderships, and should not usurp the power of presbyteries. 6. The Assembly, 1579, judgeth that every meeting for exercise might be accounted a presbytery. 7. *Anno* 1580, after deliberation, it was found that the office of prelates was pretended, and had no warrant in the word; and they ordained that such demit and leave the same, as an office unto which they were not called of God, and this was before (as was said above) the subscription of the covenant. 8. The same Assembly sendeth some commissioners to his Majesty, desiring that the book of po-

licy might be established by an act of council until the meeting of a parliament. 9. In the Assembly, 1581, at Glasgow, the act of the former Assembly at Dundee was explained, and it was shown that thereby the church did condemn the whole state of bishops as they were then in Scotland. 10. At this Assembly the confession of faith was presented, and the plot of presbyteries, with the king's letter to the noblemen and gentlemen of the country for furthering the erection of presbyteries; and thus, at the very presenting of the confession to the Assembly to be subscribed, the king and the Assembly agree in one judgment as to the government of the church, namely, that it should be presbyterial; and, according to this harmonious desire, presbyteries were erected in several places. 11. In that same Assembly the second book of discipline was inserted in the registers of the church, and immediately after the covenant was inserted, that all posterity might see that the government which they swore to maintain and own in the confession or covenant, was the same which was contained in the book of discipline; and thus that book of discipline and the confession or covenant did harmoniously accord. 12. The Assembly, 1581, would not suffer Mr Montgomery, minister at Stirling, to become bishop at Glasgow, but commanded him to wait on his ministry at Stirling, under the pain of excommunication. 13. In the same Assembly it was acknowledged that the estate of bishops was condemned by the kirk, a commission for erecting of more presbyteries was granted, and a new ordinance made for subscribing the covenant. Can any man now doubt what that government was which the church in those days owned by that covenant? 14. A new commission was granted, 1582, for erecting of more presbyteries, and Mr Montgomery, for usurping the place of a bishop, was ordained to be excommunicated; for presbytery and Prelacy are incompatible. 15. In another Assembly, that same year, commission was given to some presbyteries to try and censure such as were called bishops; and some were sent unto the council, to desire their approbation of an act for establishing of presbyteries, synods and assemblies. Did the church incline anything to Prelacy then? 16. It was determined at an Assembly, 1586, that there are no other church officers set down in the Scripture beside pastors, doctors, elders and deacons, that

should be in the church now. 17. It was ordained at an Assembly, 1587, that the admission of Mr Montgomery, suppose but to the temporality of the bishopric of Glasgow, should be annulled with all possible diligence, that slander might be removed from the church. 18. In the same Assembly there was a letter drawn up unto his Majesty, showing that "they found the office of bishops not agreeable to the word of God, but damned in divers assemblies." 19. When the confession or covenant was subscribed universally, of new the Assembly, 1590, desired "a ratification of the liberties of the kirk, in her jurisdiction and discipline in presbyteries, synods and general assemblies." 20. It was ordained also that all entrants should subscribe the book of discipline, especially the heads controverted, and also all who were presently in office, under the pain of excommunication. 21. In the Assembly, 1591, the forementioned act was renewed. 22. Commissioners were sent, 1592, to attend the parliament, and to desire a rescinding of the acts of parliament, 1584, made in prejudice of the church, and a ratifying of the discipline of the church, both which were granted. Now the reader may judge from these particulars what was the sense of the church of Scotland at that time of the confession or covenant, and whether these citations amount to anything or not; and whether or not this author had any reason to alight and undervalue, so far as he doth, the pains taken by that reverend Assembly to clear the oath according to the sense of those who first took it.

But he addeth, "That Episcopacy was not accounted unlawful, even in the judgment of the Assembly of the church, within six years after: where it was declared, That the name bishop hath a special charge and function thereto annexed by the word of God, and that such may be admitted to a benefice." *Ans.* It is true, 1586, there was a conference drawn on at Holyroodhouse by the king, betwixt some ministers and some whom he did commission, which did conclude that the bishop should have a care of one flock; that he should have some choice brethren added, without whose counsel he should do nothing, under the pain of deposition; that his doctrine should be examined by the meeting, and if it were found unsound, he should lose his place; that his power should only be the power of order, and not of jurisdiction; that, withal, he

should have inspection over more parishes, and that every minister who was to enter should have his approbation, and the approbation of those ministers who were to be joined with him, &c. But when the Assembly did meet in May thereafter, these were not assented unto; but it was only concluded, that the bishop, being a pastor as other ordinary ministers, should be tried by the presbytery and synod, in matters of doctrine and conversation, and be subject unto the General Assemblies. And when the commissioners who were sent from his Majesty did hear of this, they dissented, and protested that nothing concluded should stand in force, seeing they had passed from the articles. And this occasioned a new conference, where that was concluded which this author mentioneth, and, withal, they did proceed to set down the order of the presbyteries. Now, lest any should stumble at this change in the Assembly, let it be considered that, two years before this, there was a strange change at court; for Arran ruled all,—nobles were banished, and ministers were forced to flee, others imprisoned, and then the prelates got up their heads,—Montgomery was made bishop of Glasgow, and one Mr Adamson made bishop of St Andrews,—and ministers were compelled to promise, under their subscription, obedience unto them, and to consent unto many other acts of iniquity, under the pain of banishment, confinement, imprisonment, deposition and sequestration of stipends; and this course continued till near the end of the year 1685. When the exiled nobles returned, though a new parliament was called, the king would not repeal any act which was made in prejudice of the church the year before; yet, at length, he professed some desires to have the church settled, and called for that conference at Holyroodhouse. Now, what wonder was it that, when all was overturned, and prelates established by parliament in their full power, that the church should take little ere she wanted all, and should condescend to some things of purpose to get the power of prelates hemmed in, hoping, when this furious tempest was fully blown over, that she should be in a better capacity to promote her work? And withal it may be seen, that she holdeth as much as she can, and mindeth the work of the presbyteries, notwithstanding of the laws of the land, as yet unrepealed, standing against her. So that hence it appeareth that they

never once thought of retracting the act at Dundee (as he would make his reader believe). And it would be considered likewise, that at this Assembly there were several of these ministers present who, 1584, had subscribed unto the prelates. And, further, it is considerable, that, for as great a length as they went, yet, sess. 6, they declared that there were only these church officers, pastors, doctors, elders, and deacons; and that the name bishop should not be taken as in the time of Popery, but is a name common to all pastors; and, sess. 10, 11, they declared that by a bishop they mean only such as the apostle doth describe.

The last thing which he saith is this: "No Assembly can put an obligation upon persons who have taken an oath personally to accept of the sense which they put upon it. It is true the Assembly at Glasgow could declare their sense of the oath taken by themselves, but could not impose their sense upon the takers of the oath before,—that sense not having been given to the takers of the oath by the imposers of the same, and the takers of the oath not having empowered these commissioners at Glasgow to declare their sense of that oath they had taken. So then, whatever was done at Glasgow, after the covenant was taken by the body of the land, could not oblige all the takers of it to own their declaration of the sense of the covenant, which was not at first imposing the oath declared unto them." To let pass his bitter reflections, not worth the transcribing, upon that venerable Assembly at Glasgow, 1638, the like whereof would make him and all his fraternity to tremble: *Ans.* 1. The Assembly at Glasgow did impose no sense of theirs upon any man, either who took the covenant before or thereafter, only because to them, as the representative of the church, the public and judicial interpretation of the covenant or confession of faith did properly belong, they made search after the true sense and meaning of the oath, and did declare and make it appear to all, by undeniable arguments (as hath been shown), that they had found out the true sense and meaning thereof, and what was the sense of the church of Scotland when it was first imposed. And was there any wrong here? 2. Such as had renewed that covenant at that time, and had taken it with the explicatory addition, did swear to forbear the approbation of church government by prelates, until the General

Assembly should try whether that government was abjured by the covenant or not. And was not that a sufficient empowering of the Assembly to declare the true sense thereof? But what would this author gather from all this? He concludeth that, "Whatever the Assembly at Glasgow did, after the covenant was taken by the body of the land, could not oblige all the takers thereof to own their declaration of the sense of the covenant." *Ans.* Though their deed could not oblige the body of the land to own their sense, yet the covenant itself did oblige them, and the body of the land did then see themselves obliged, by the declaration of the true sense of the covenant which they gave. And what necessity was there for more? The Assembly never offered to give a sense of their own which had not been heard of before; for that had been intolerable, but, according to their place and duty, they, for the good of the land and satisfaction of the covenanters, search out of the authentic records of the church, what was the sense and meaning of the church at that time when the covenant was first taken, which every private person could not be so able to do, and which necessity did require to be done, because of several doubts which were raised thereabout.

He addeth, "And the body of the land hath not indeed abjured Episcopacy by that national covenant; neither the covenant, nor added interpretation, doth import any such thing." *Ans.* This is a strange thing. How can this be, seeing the body of the people of the land took that covenant, by which (when first taken by the body of the land) Prelacy was abjured? It is true, some who took the covenant then, being unclear in a matter of fact (which had been done some fifty or sixty years before, and in trying and searching out of which there was some difficulty), whereby one article was unclear to them at that time, could not think that Prelacy was undoubtedly abjured; yet others did, and those same who at first did doubt received light by the Assembly's declaration, and then saw that, by the covenant, when first taken by the church, Prelacy was abjured; and that, by their taking of the covenant according to its true, genuine, native and first sense, now discovered and made plain (though before, as to this particular, unclear), they had also abjured the same government of the church by prelates. 2. How the covenant itself importeth the abjuration of Pre-

lacy hath been shown above, and the added interpretation needed not import any such thing.

Next, he says, "Nor hath the body of the people of the land, by any after deeds, owned that Assembly's sensing of the covenant." *Ans.* Neither was it necessary that they should do so, seeing, by taking of it, they did own it in its true sense; and the Assembly did no more but declare which was its true sense, against which, when declared, the body of the land did not protest, and therefore, by their silence, did sufficiently declare their owning of that sense as the only true sense. And further, the after actings of the body of the land, in prosecuting the ends of that covenant, did abundantly show their owning of that sense, and of none else.

"Nor (saith he) was there any act of that Assembly ordaining that all should own their determination of the sense thereof."

*Ans.* And that, because there was no necessity for such an act, their clearing of the true meaning of the oath, and showing how it could be understood in no other sense, was sufficient. All such as took the covenant, by a native undeniable consequence, behoved to take it in this sense, and to own the Assembly's determination, because they behoved to take it in its own sense, and the Assembly did no more but show what that was. 2. There is an act enjoining all, in time coming (for avoiding any further doubt or dispute), to take it according to their determination in the points then debated; and another act discharging any to take it in any other sense. "True (saith he), but few did so; and if any did so, they are to consider whether they have been too rashly carried on, in the current of that time, without a just examination of matters." *Ans.* Whether there were few or many that did so, all is one, since he thinketh it rashness in any to do it. But why was it rashness to take a covenant, and a lawful covenant, in its true sense? Can this be an act of rashness, or is it not rather an act of wisdom and deliberation? But, moreover, was it rashness to obey an act of council, made August 3, 1639, concerning this; and an act of a General Assembly, having the consent of, and civil sanction added by, his Majesty's commissioner, August 17, 1639? Sure he will not be able to make this good.

Thus is all which this author doth allege against the obliging force of the national co-



venant answered. And now, the reader may judge whether or not, by virtue of that covenant which was imposed by lawful authority, both by church and state, and against which no exceptions of any force can be brought, the whole land standeth obliged against the government of the church by prelates; and whether there can be any clear ground or warrant for abjuring of that covenant, taken from any deed of the Assembly 1638, seeing that Assembly did nothing but clear up the true sense and meaning of the covenant out of the authentic records of the church; and their sense was approved by his Majesty's commissioner, and by an act of the privy council; and then, 1640, all this was confirmed and ratified by act of parliament. So that it must be the height of impiety to subscribe a declaration for abjuration of this covenant.

Now may the world wonder at the boldness of men, who dare, upon such slender grounds, encourage others unto such horrid acts of iniquity, at the hearing of which heathens may stand astonished.

Yea, which is yet more wonderful, it was publicly debated and concluded in parliament, That no covenant or promise made by the king to his subjects, in the time of a civil war, is obliging, but that so soon as ever occasion is offered he is at liberty to break the same, though even Grotius cannot but say, *de Jur. Bel. ac Pac.*, lib. 2, cap. 14, sect. 6, that, from a promise or a covenant made by a king unto his subjects, there ariseth a true and proper obligation which giveth right unto the subjects. A resolution which may make all Protestants in (Europe, it may be, at least in) Germany, France, Piedmont and the Low Countries, to tremble; for all the security which they have for their liberties and freedom of religion in peace and quietness, is upon a covenant or promise which was made to them in a civil war. And if neighbour princes and kings have this principle in their heads and hearts, Protestants have need to be upon their guard; for now they may see their neck and all in hazard, whenever any occasion is offered, and they need trust their kings and princes no longer than they see them out of a capacity to hurt. Must not those be bloody men whose hearts do thus thirst for Christian blood, who have such bloody conclusions and resolutions. "No faith is to be kept to heretics (say Papists), and no faith is to be kept unto subjects," say

they. But what if this bloody resolution, which they did intend against others, shall recur upon themselves? Reader, think not this impossible. Yea, by this resolution, they have laid down that ground, which, in end, may prove the most destructive conclusion to the throne that ever was hatched out of hell; for let it be but supposed (and what hath been may be again, and is not impossible) that there were a civil war betwixt king and subjects, how shall it end? For now they shall never once come to a treaty,—no covenant, no agreement, no promise will ever be heard of, because there is no security in these, by their own confession. The war, then, must never end till the one party do utterly destroy the other; and if the king shall utterly destroy his subjects, where shall his kingdom be? And what glorious advantage will he have in that victory? And if the people prevail (and the manifold by-past experiences through the world hath made this appear to be the most probable of the two), and root out the king and all his posterity, and so overturn the throne, let the world judge who is most to be blamed. The duchess of Parma gave such an answer at the first unto the nobles of the Netherlands, when they desired her to mind her promise: "That she was not bound to do so further than she saw it for her advantage;" and the world now seeth where and how that war ended. Buchanan recordeth in his *Annals*, lib. 16, that when Alexander, earl of Glencairn, and Hugh Campbell, sheriff of Ayr, were sent unto the queen regent, in name of the congregation, to deprecate her anger that was going out against them, and, among other things, they requested her to mind her promises; but she answered "That princes should perform their promises no further than they see it for their own advantage." Unto which they replied, That if so, they would pass from their allegiance and obedience, and acknowledge her no more for queen. It was such a thing as this which did animate the congregation to withstand the queen regent and the French, because (as saith Buchanan, *ubi supra*) they had to fight with an unsociable and cruel adversary, which made light of all equity, right, law, promises, faith and oaths: so that upon every small gale of hope of advantage they annul both their words and their deeds; and therefore there is no agreement to be made with them, nor no peace, till one of

the parties be quite destroyed and overthrown, or else all the strangers be put out of the land : so that they must resolve either to overcome or to die. And hence it was that a little thereafter, when there was a treaty, there could be no peace concluded, because the reformed congregation, being so often deceived, could not believe their promises any more.

### THE CONCLUSION.

Thus, reader, thou hast a clear view of the present state and condition of the church of Scotland, and the true grounds upon which she is now suffering. Thou seest how the ways of Zion do mourn, and how the Lord hath covered her with a cloud, in his anger ; how he hath violently taken away his tabernacle, as if it were of a garden ; he hath destroyed his places of the assembly, and caused the solemn feasts and Sabbaths to be forgotten in Zion ; how he hath cast off his altar, abhorred his sanctuary, and given up into the hand of her enemies the walls of her palaces ; so that she is now made to cry out, Is it nothing to you, all ye that pass by ? Behold, and see if there be any sorrow like unto my sorrow which is done unto me, wherewith the Lord hath afflicted me, in the day of his fierce anger. All who pass by clap their hands at her ; they hiss and wag their head, saying, Is this the city that men call the perfection of beauty, the joy of the whole earth ? All her enemies have opened their mouth against her, they hiss and gnash their teeth : they say, We have swallowed her up : certainly this is the day that we looked for : we have found, we have seen it. And therefore they are consulting to cut her off, that she may no more be a nation. But, which is worse, the anger of God is gone out against her ; he hideth his face, and testifieth his displeasure against her and her courses ; and, in so doing, just and righteous is he, for she hath rebelled against him. It is the Lord who hath given her to the spoil and to the robbers, even he against whom she hath sinned ; for she would not walk in his ways, neither be obedient unto his law, therefore hath he poured upon her the fury of his anger, and the strength of battle ; and it

hath set her on fire round about, yea, she knew it not, and it burned her, yet she laid it not to heart. Therefore let no man think, whatever apology any make in her behalf, that she or they do intend to quarrel with the most High for any of his dispensations towards her. Nay, he is just and righteous in all his ways, yea, though he should punish her yet seven times more, it would become her to put her mouth in the dust, to be silent, and to bear the indignation of the Lord, because she hath sinned against him. And, as yet, she must say, that whatever wrongs her enemies are doing to her, and however unjustly she be suffering at their hands, yet the righteous God is doing her no wrong, but punishing her less than her iniquities do deserve : so that, as to his dealing with her, she hath no cause to complain ; for it is of the Lord's mercy that she is not consumed, because his compassions fail not.

And yet it cannot but be expected that such as have tasted of the cup of affliction themselves, and have resisted unto blood, striving against sin, and have known by experience what refreshing hath been in the known sympathy of neighbour churches, in the day of their trial and temptation, will mind and make conscience of this Christian duty, of sympathy towards the poor church of Scotland, now when her enemies are the chief, and prosper, and have spread out their hands upon all her pleasant things, when her gates are desolate and her priests sigh. It cannot be thought that such churches as own Christ for their head and husband, can look upon a poor bleeding sister church, which was once decked with ornaments, when her head and king took pleasure in her habitations, but now is stripped naked and exposed to shame, and to the scorn and contempt of her enemies, and not have their eyes affecting their heart. Shall it be thought that there are any of the reformed churches who, Esau-like, can look on the day of their sister, in the day that she is become a stranger, that can rejoice over her in the day of her destruction, or speak proudly in the day of her distress, or look on her affliction in the day of her calamity, or lay hands on her substance in the day of her calamity, or stand in the cross-way to cut off those of hers that escape, or deliver up those of hers that did remain in the day of distress ? Nay, it is hoped, that as the elect of God, holy and beloved,

they have put on bowels of mercies and kindness, and have learned to have compassion, and to love as brethren, and to be pitiful, and so cannot forget the afflictions of his people in those islands, but do bear them on their heart when they have access unto the throne of grace, and say, Spare thy people, O Lord, and give not thine heritage to reproach, that the heathen should rule over them. Wherefore should they say among the people, Where is their God? Seeing it is the desire of that poor afflicted church, that all would cry unto their God and her God, that he would turn from his hot wrath and displeasure, and turn to her with healing under his wings; that he would heal her backslidings and love her freely, and that until he be pleased to turn from the fierceness of his anger, his people may be blessed with Christian patience and submission under the mighty hand of God, and helped to hear the voice of the rod, and who hath appointed it, and to turn unto him who smiteth, that he may bind up and heal that which he hath broken; that the iniquity of Jacob may be purged, and the fruit of all this may be to take away sin; and at length his heart may turn within him, and his repentings may be kindled together, that he may not execute the fierceness of his anger, nor return to destroy Ephraim, seeing he is God and not man; for he is a God who is gracious and long-suffering, slow to anger and of great kindness, and repenteth him of the evil, who knoweth if he will return and repent, and leave a blessing behind him.

That poor church will be very far disappointed of her expectation, if, instead of Christian sympathy, pity and compassion, she shall meet with unbrotherly and unchristian dealing at the hands of any, and if there shall be any such as will be ready to condemn her, as suffering upon very slender and inconsiderable grounds, as it will be no small matter of grief and sorrow unto the already sorrowful mourning church, yea, an addition unto her affliction, so it will yield these little comfort in the day when the cup shall pass over unto them, to reflect upon their unchristian thoughts and sharp censures of a poor member of Christ's body, while lying under the feet of oppressors, and such as said to her soul, Bow down, that we may go over. It is true the infinitely wise God hath thought fit to try that church with more searching trials than he did Eng-

land and Ireland, and it was the policy of her adversaries to begin with such small things, to the end they might get such as they desired drawn into their net, and then they were sure, piece and piece, to get them brought alongst to countenance them in all their courses, as sad experience hath proved; for some, who at the first resolved to go some length for peace's cause, having no purpose to move one foot further, to whom if it had been then said, that, ere all were done, they would go such a length as now they have gone, with Hazael they would have replied, Are we dogs to do such things? are now going all the length desired, scrupling at nothing, which is a warning to all to beware of the beginnings of a defection; and, indeed, for as great as the defection and apostacy in that church is at present, and for as great a conspiracy as is found among her prophets, if the trial had been nothing more searching than that wherewith the neighbour churches were tried, there would not have been so many that would have departed from their former principles as there are this day; and therefore it was a mercy unto many in these neighbour churches that their sieve was not more narrow and searching. It is no small mercy unto particular persons when they see their enemies in their own colours, and the bait is not able to cover the hook wherewith their adversaries think to catch them; and it is likewise a mercy (and will be so found and acknowledged in end) unto the church of Scotland, that God hath followed such a way with her as shall prove most discovering, and consequently most purging, by making her dross to appear, and bringing to light in a short time more corruption and naughtiness than, in all probability, would have been found out many a year if God had not taken this course. But now, let none blame those who have desired to keep their garments clean, and to adhere zealously and constantly unto their former principles, and therefore have refused compliance in the least, and would not willingly quit with a hoof, or sell a bit of the precious truth of God. There is a time when such things are very momentous and considerable, which at other times seem not to be of much concernment. Armies may yield more unto their enemies at another time and place than when they are keeping a considerable pass, the losing of which would prove of great disadvantage unto themselves, and an inlet unto all the enemy's

forces. There is a time when such things must be stood at, which, if abstracted from that time and place, would signify little or nothing, whether done or not done. The giving of a book or of a piece of paper out of the hands of the martyrs, was, at that time, and as so circumstantiated, a main business when they were upon the point of avouching truth for God. A little matter, when it becometh *casus confessionis*, is of great moment: Mordecai's beck is no small matter; Daniel's closing of his windows is a great business, as it was then circumstantiated. And doleful experience, in all ages, hath made it appear what mischief hath followed upon yielding unto the adversaries in small-like matters, in the beginning of a defection, what through inadvertency, what otherwise. By little and little the Pope came to his throne, and not in one day; by little and little came prelates formerly to their height in that church, and therefore, as before, so now the honest party thought themselves called of God to withstand beginnings, and not to cede in the smallest-like matters, when they saw that the opening of never so small a passage would be enough to occasion the drowning of all: as (according to the proverb) the burnt child doth fear the fire, so that church cannot be blamed for keeping such a distance from that plague of Prelacy, which formerly had burnt up and consumed all the vitals of religion, and the whole power of godliness, and had made that church to look like an harlot, and not like the spouse of Christ. Especially after God had wrought such wonderful deliverances unto her, and had graciously delivered her from that iron furnace, and with his out-stretched arm had brought down all her enemies, should they again break his commandments, and join in affinity with the people of those abominations, would not God be angry with them till he had consumed them, so that there should be no remnant nor escaping? And it is very remarkable that there are none who have hitherto rued their suffering upon that account, but rather they are all blessing the name of the Lord, for that he hath kept them from yielding in the least; and though their adversaries, the prelates, by using barbarous and inhuman, let be unchristian ways, to afflict them still more and more, by procuring acts to be made, discharging any charity to be extended to them or their families who are now suffering for the cause of

God, yet they have no cause to complain. God, for whose sake they are suffering, is providing for them, and, withal, is comforting them with the consolations of the Holy Ghost, supporting their spirits, keeping them from fainting, and encouraging them, so that they resolve, through his grace, never to comply with these workers of iniquity, lest they partake of their judgments. Yea, they are persuaded, that if any members of the Christian churches abroad, who had the root of the matter within them, were in their souls' stead, they would no more comply with this present course of defection than they have done, or desire to do; so that, whatever can be looked for from men of corrupt minds, and such as are enemies to the truth and to the power of godliness, yet they are sure that such as know what it is to walk with God, to have a tender conscience, and to make this their exercise, to keep a good conscience both towards God and man, will be loath to condemn them in the least. Yea, or if they saw what a deluge of profanity is now broken in upon these lands, what unparalleled wickedness is there perpetrated,—what abomination of all sorts reigneth since this course of defection was begun, their hearts would tremble, and they would scar at such a course as is so destructive to the kingdom of God within, and so advantageous for the promoting of the main interest of Satan, and never acknowledge that to be a divine truth which is not after godliness. Sure there is a principle in all the godly which will incline them to affect that course best which is most for promoting the work of grace in souls, and abhor that which openeth a gap to all profanity and licentiousness; and though they could dispute none against such a course, this were enough to make their gracious souls abhor it. Let none say that such preciseness and refusing to cede in a little will prove destructive to the church, by incensing the civil magistrate the more; for God's way is always the best, both for particular persons and for churches; and an instance cannot be shown where a church, by her faithful adhering to the truth of God, standing to her principles, and refusing to go back in the least, hath ruined herself; but, upon the other hand, it hath frequently been seen how a church, by her yielding unto the snares of her adversaries, through fear or prudence (falsely so called), hath brought ruin or destruction insensibly

upon herself. The yielding unto a little, in the beginning of a defection, hath proven the bane and neck-break of churches; ceding to little forms at first, hath brought in the mass at last.

But now it is hoped that such as shall duly and Christianly ponder the premises, shall not account the grounds of the sufferings of that church and people, punctilios, or inconsiderable trifles, whatever such as do not weigh matters in the balance of the sanctuary, but according to their own fancies, may judge; and therefore it may be thought that strangers, who shall judge of matters according to the truth, shall rather stand astonished and wonder at the pusillanimity and fainting of heart which hath there appeared at this time, and inquire what is become of that spirit of boldness, zeal, and courage, for the cause and truth of God, which formerly did actuate the faithful ministers and professors of the land; and where all those worthies, who set their faces against greater storms than any that hath appeared of late. And how is it that so many have outlived their own zeal and faithfulness, and by silence at such a time, when God, in his dispensations, did call upon them to cry aloud and not to spare, have betrayed the precious interests of Christ, which their predecessors valued beyond their lives? And how is it that this generation hath degenerated, so far as their predecessors might be ignorant of them and not acknowledge them, and have forgotten their former zeal? May not the world wonder at this? But what wonder is it that it be so, when now their Rock hath sold them, and the Lord hath shut them up, when now the Lord hath been displeased, and hath made them to drink the wine of astonishment, and for their provocations hath taken spirit and courage from them, that they may know at length how evil and bitter a thing it is that they have forsaken the Lord their God?

And, therefore, this dispensation of the Lord unto that church may and ought to be improved by other protestant neighbour churches as a warning from the Lord to repent and return unto him; for because of her backslidings hath the Lord brought all this upon her; and he is a jealous God who will spare none, but the greater their enjoyments have been, when these are abused to licentiousness, and not improved for the glory of God, and the advancement of the

work of reformation of churches, and of particular persons, the sorer will the plagues and judgments be with which he will visit such. It concerneth all about, and all who hear of the Lord's dealing with her, to repent and remember from whence they are fallen, and to do their first works, for because of her departing from the love of her espousals, and the kindness of her youth, the Lord is now visiting her with sore and sharp rods. Professions, yea, large professions, will not save in the day of God's anger. He searcheth the hearts and the reins, and he loveth truth in the inward parts, and therefore the fair flourishes of outward professions will not satisfy if there be not more. Covenanting with the Lord will not hold off judgments when conscience is not made of these covenants; and now it hath not been Scotland's covenanting with God that hath brought all this upon her, but her dealing deceitfully in the covenant; for so long as she was, with some singleness of heart, aiming honestly at the promoting of the ends of the covenant, the Lord made her terrible unto all her adversaries, and made one chase an hundred; but so soon as this vow was forgotten, and the ends thereof not sincerely minded and sought after, then the Lord departed from her, and she could not shake herself as before.

Finally, It would become all neighbour reformed churches to be upon their guard, for the same spirit that troubleth that church now is the spirit of Antichrist seeking to re-enter there after he hath been cast out, with all his appurtenances, in a most universal and solemn manner, and the door barred with solemn covenants and oaths made unto the most High, and indeed hath gained great footing already; for there is more Popery openly professed this day than hath been openly avowed almost these hundred years. And if Antichrist shall again get possession there, any may judge what hazard other churches are into, and what cause they have to withstand the same; and if they can do no more for that effect, to pray to him, who will hear at length, that he would hasten that day, in his own time, wherein it might be said, "Babylon the great is fallen, is fallen, and is become the habitation of devils, and the hold of every foul spirit;" so that "the kings of the earth who have committed fornication, and lived deliciously with her, may bewail her and lament for her, when they shall see the smoke of her burnings;"

for he will at length "judge the great whore, which did corrupt the earth with her fornications, and will avenge the blood of his servants at her hand." And then shall that church (being fully freed from the yoke of Prelacy and other abominations), with

others, be glad and rejoice, when that Wicked, with all his appurtenances, shall be consumed with the spirit of his mouth, and shall be destroyed with the brightness of his coming. Even so, come, Lord Jesus. Amen.

THE END.

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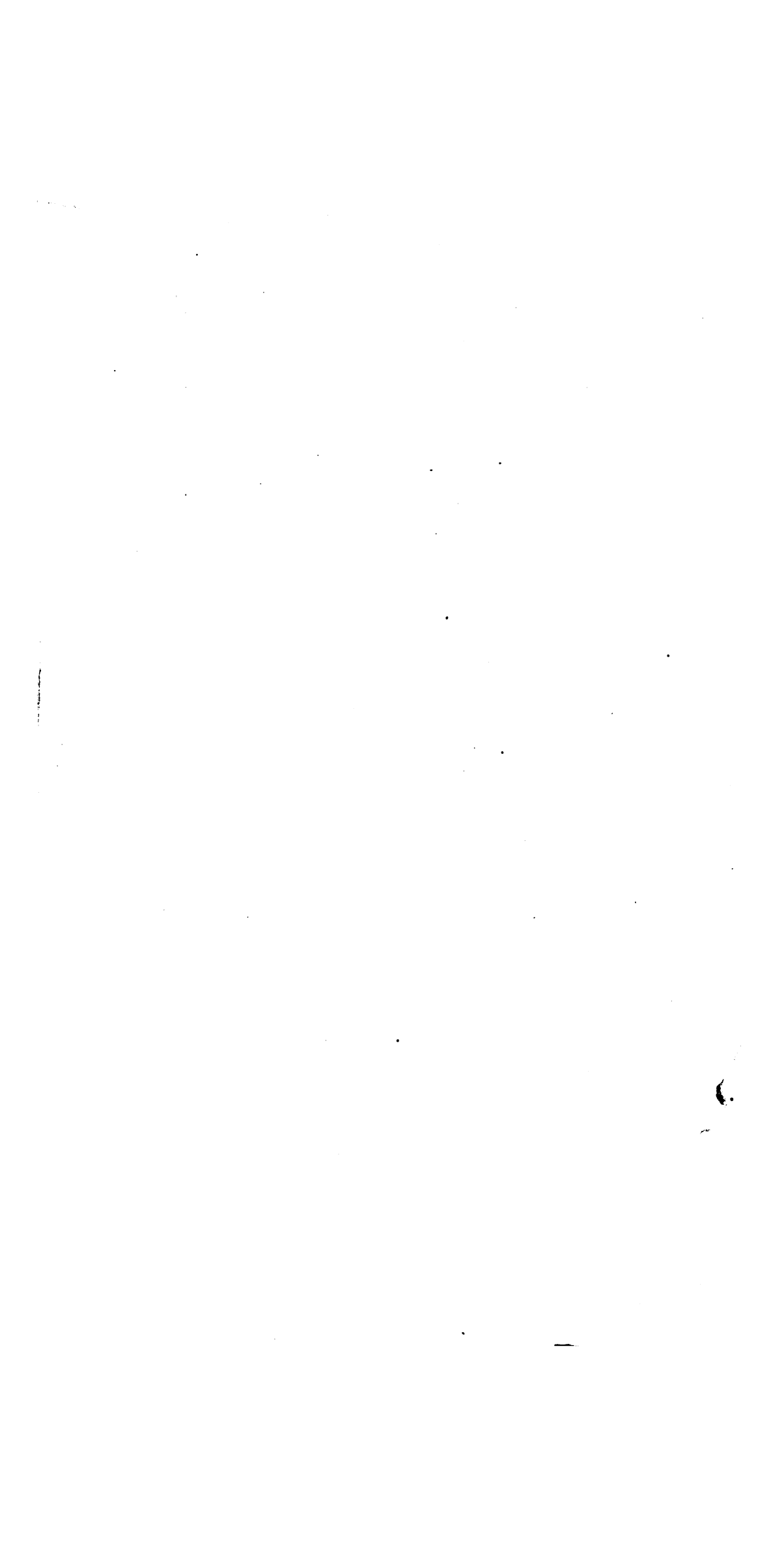
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